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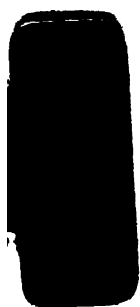
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# New York State Library

## YEARBOOK OF LEGISLATION 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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# New York State Library

EDWIN H. ANDERSON, Director

Bulletin **III**

LEGISLATION 30

## LEGISLATIVE REFERENCE LISTS 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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*State Library, Albany, N. Y., October 30, 1906*

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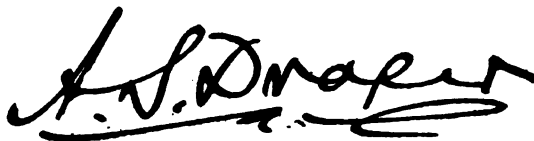
DEAR SIR: I have the honor to transmit herewith and recommend for publication *Legislative Reference Lists 1906*. This bulletin contains brief annotated reference lists on life insurance, direct nominations, employment of the blind and the inheritance tax.

Very respectfully yours

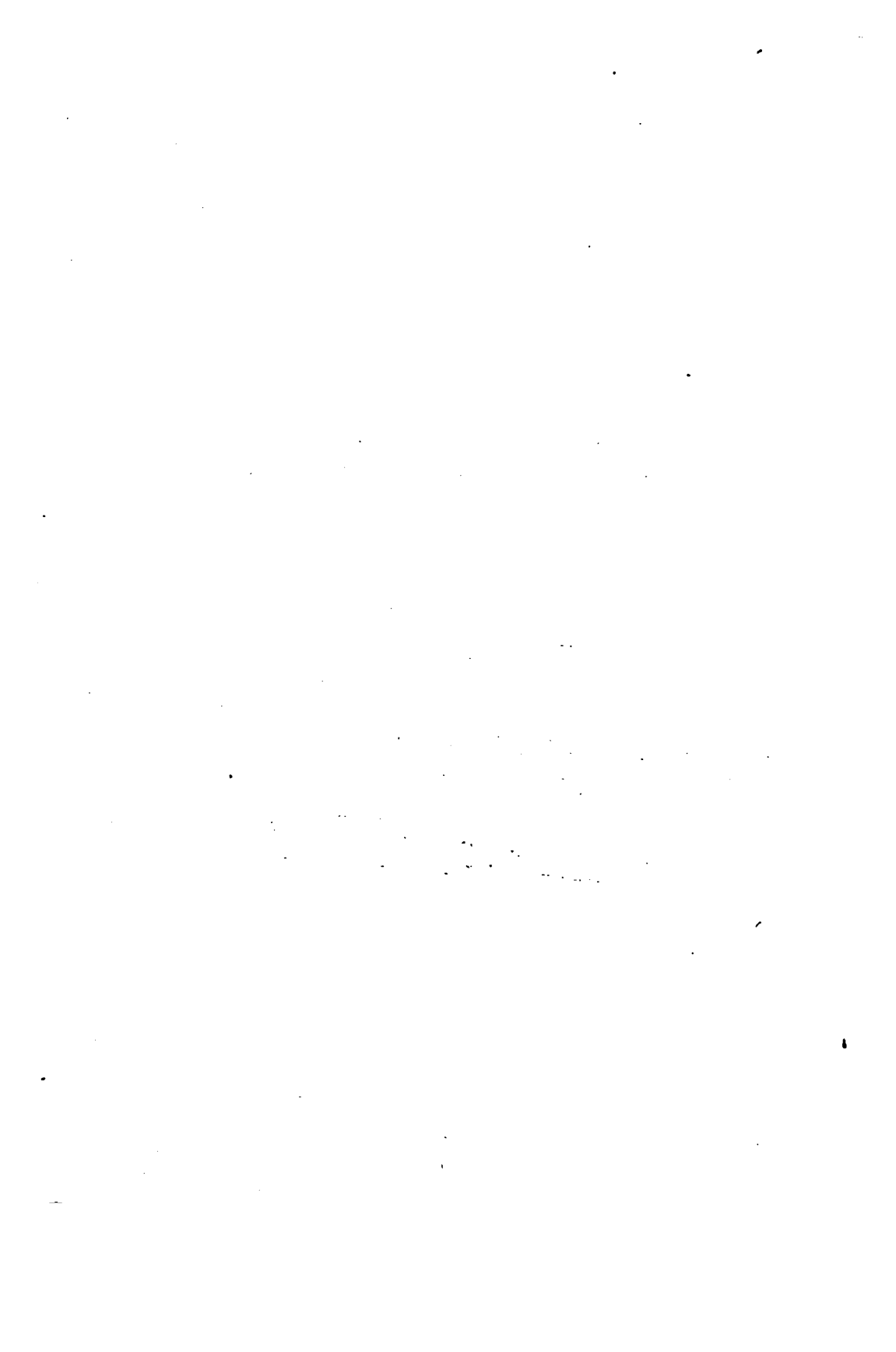
EDWIN H. ANDERSON

*Director*

*Approved for publication October 31, 1906*

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish underneath.

*Commissioner of Education*





New York State Education Department

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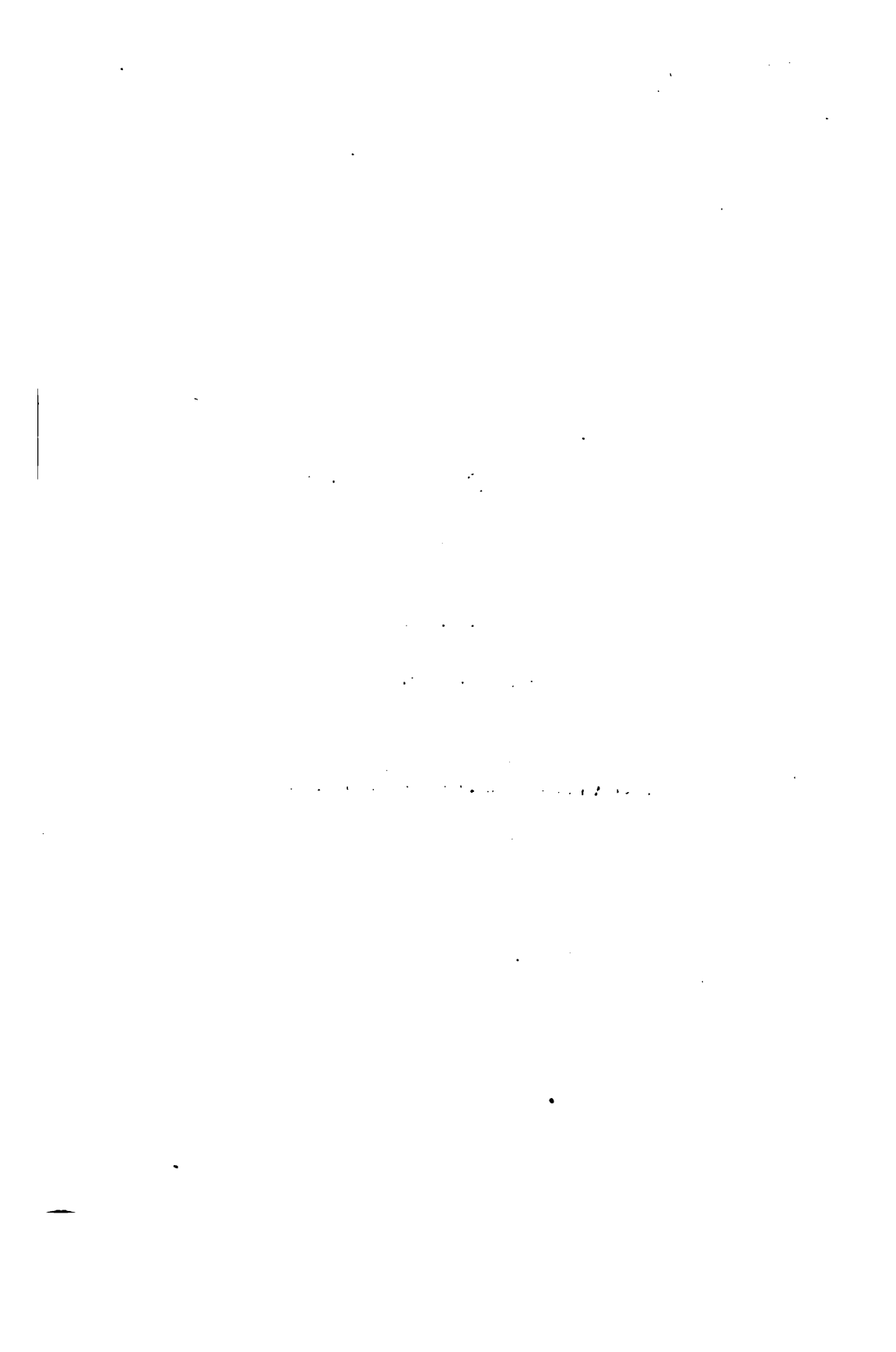
Bulletin **III**

**LEGISLATION 30**

**LEGISLATIVE REFERENCE LISTS 1906**

EDITED BY

Robert H. Whitten, *Sociology Librarian*



New York State Education Department

New York State Library

LEGISLATIVE REFERENCE LISTS 1906

LEGISLATION BULLETIN 302

LIFE INSURANCE

A partial list of material in N. Y. State Library relating to present insurance problems

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NOTE

For an explanation of elementary principles and a brief discussion of many present problems Miles M. Dawson's *The Business of Life Insurance* is a useful book. Mr Dawson is a consulting actuary in New York and has been employed as an expert by the New York insurance investigating committee. This book appeared late in the summer of 1905. *The Life Insurance Company* by William Alexander, secretary of the Equitable Life Assurance Society was published early in 1905 and is a good presentation of elementary principles. The *Yale Insurance Lectures*, 1904 and the University of Pennsylvania lectures published in the *Annals of the American Academy of Political and Social Science* for September 1905 contain timely discussions of current problems. *United States Special Consular Reports*, v. 38, recently issued, is a valuable and timely compilation of insurance laws and regulations in foreign countries. The laws of France, Germany and Switzerland are particularly interesting.

The following list is quite closely classified. Books have been analyzed and the chapters or parts entered under the different headings to which they pertain. Under each heading the entries are arranged chronologically, and the year of publication is given in the margin.

### General treatises

- Insurance Year Book (Life and Miscellaneous). N. Y.
- 1895 Dawson, M. M. Principles of Insurance Legislation. 139p. N. Y.
- 1898 Fricke, W: A. Insurance, "a Textbook"; a compilation of the addresses delivered before the 29th session of the National Convention of Insurance Commissioners, held at Milwaukee, Wis. Sep. 13-16, 1898. 1092p. n.p.
- p.68-87 Pattison, J. M. Life Insurance in its Relation to the Public.  
 p.88-150 McClintock, Emory. General Plans, Reserves and Investments.  
 p.151-211 Greene, J. L. Special Features, Dividends, Surrender Values, etc.  
 p.401-42 Fouse, L. G. Legislative, Actuarial and Official Treatment.  
 p.1022-51 Roehr, J. E. Insurance and the Legislator.
- 1900 Tabor, Mervin. Three Systems of Life Insurance Embracing: 1. The Level Premium System. 2. The Natural Premium System. 3. The Assessment System. 205p. N. Y.
- 1902 Dawson, M. M. Elements of Life Insurance. Ed.2. 154p. N. Y.
- 1904 Wilson, A. J. The Business of Insurance. 171p. Lond.
- 1904 Yale Insurance Lectures, v.1; being the lectures on life insurance delivered in the insurance course at Yale University, 1903-4. 245p. n.p.
- 1905 Young, T. E. Insurance, a Practical Exposition for the Student and Business Man. 339p. Lond.
- 1905? Young, T. E. & Masters, Richard. Insurance Office Organization, Management and Accounts. 146p. N. Y.
- 1905 Alexander, William. The Life Insurance Company. 290p. N. Y.
- 1905 Dawson, M. M. Practical Lessons in Actuarial Science, an Elementary Text Book. Ed.2. 2v. N. Y.
- 1905 — The Business of Life Insurance. 8+404p. N. Y.
- 1905 Annals of the American Academy of Political and Social Science, Sep. 1905. v.26, no.2. Phil.
- A series of public lectures given in conjunction with the insurance course at the Wharton School of Finance and Commerce of the University of Pennsylvania, 1904-5.
- 1905 Answers of Life Insurance Companies Doing Business in Tennessee and Kentucky to Interrogatories Submitted by the Insurance Commissioners of those States. 114p. Nashville.

### Pamphlets and articles (general)

- 1893 McCurdy, R. A., Greene, J. L., Homans, Sheppard, Kelsey, C. H. Modern Insurance and its Possibilities. N. Amer. Rev., 156:303-22.
- 1894 Dawson, M. M. American Life Insurance Methods. Annals of Amer. Acad. of Pol. & Soc. Sci. 4:753-63.
- 1895 St John, H. W. & Macaulay, T. B. On the Intervention of the Legislators to Permit or Assume the Supervision of the Operations of Life Insurance Companies. Actuarial Soc. of Amer. Papers and Transactions, 4:240-47, 248-54.
- 1896 Hewat, Archibald. Life Insurance Finance as Affected by Rate of Interest and Rate of Expense; address delivered to the Insurance Institute of Yorkshire, Nov. 27, 1896. 28p.
- 1898 Economic Relation of Life Insurance to Society and State; report of meeting held under the auspices of Amer. Acad. of Pol. and Soc. Sci. Dec. 17, 1897. Amer. Acad. of Pol. & Soc. Sci. Publication no.218. 48p.

- 1898 **LeJeune, Charles.** Legislation in its Commercial and Economic Aspects, as Regards Life Assurance, from the National and International Points of View. Transactions of the 2d International Actuarial Congress, May 16-20, 1898, p.308-15.
- 1898 **McCall, J: A.** A Review of Life Insurance from the Date of the First National Convention of Insurance Officials 1871-1897 . . . an address before the 28th National Convention, Sep. 13-16. 72p.
- 1898 **Mills, D. Y.** New Business and the Cost of its Extension. Transactions of the Insurance and Actuarial Society of Glasgow, Ser.4, no.8, p.167-79.
- 1899 **Alexander, J. W.** Life Assurance: paper read before the National Convention of Insurance Commissioners at Detroit, Sep. 1899. 17p.
- 1900 — Some Prejudices about Life Assurance. Atlantic Mo., 86:14-23.
- 1900 **Appleton, H: D.** Management and Methods of Conducting Insurance Department Business; address before National Convention of Insurance Commissioners at Hartford, Conn. Sep. 20, 1900. 15p.
- 1902 **McCall, J: A.** Supervision of Life Insurance in the United States; its Scope and Grounds; address before the 33d National Convention of State Insurance Officials, Columbus, O. Sep. 23-25, 1902. 47p.
- 1904 **Fouse, L. G.** State Regulation of Insurance. Annals of the Amer. Acad. of Pol. & Soc. Sci. 24:69-83.
- 1904 **Host, Z. M.** Address on State Supervision, delivered at the Wisconsin State University to the school of commerce and insurance, Jan. 26, 1904. 16p.
- 1904 **McCall, J: A.** Regulation of Life Insurance in the United States and in Foreign Countries. Yale Insurance Lectures, 1:200-17.
- 1904 **Proceedings of the 4th International Congress of Actuaries, Held in New York under the Auspices of the Actuarial Society of America, Aug. 31-Sep. 5, 1903.**
- 1:963-69 **Maingie, Louis.** Du contrôle par l'état des entreprises d'assurances privées.
- 1:1007-56 **Chisholm, James.** On the Province of State Supervision of Life Insurance Companies.
- 1:1005-103 **Schönwiese, R.** Die allgemeinen technischen Grundsätze, welche bei der staatlichen Kontrolle der Lebensversicherungs-Anstalten im Hinblick auf die internationalen Interessen des Versicherungswesens zu Beachten sind.
- 1:1104-12 **Trefzer, F.** Die technischen Grundsätze, welche bei der staatlichen Kontrolle zu beobachten sind.
- For discussion of the above see 2:229-53.
- 1904 **Lanier, H: W.** Great Questions in Life Insurance. World's Work, 8:5380-88.
- 1905 — How to Buy Life Insurance. World's Work, 9:5733-37.
- 1905 — How Insurance Laws Work. World's Work, 9:5813-15.
- 1905 How may we Insure our Insurance? World's Work, 9:6012-17.
- 1905 **Wolfe, F. H.** Present Supervision of Life Insurance Companies, its Merits and Defects. N. Amer. Rev. 181:11-19.
- 1905 **Problems of Life Insurance.** Brooklyn Eagle Library no.103. 30p.
- 1905 **Reed, W: H.** Future of Life Insurance; its Cost and Methods. Insur. Leader, 10:56-59.
- 1905 **Wolfe, S. H.** The Life Companies from the Examiner's Viewpoint. Argus, 61:84-86.
- 1905 **Barry, J. V.** Life Insurance Ethics. Money and Risks, 12:396-98.
- An address delivered before the National Association of Life Underwriters, at Hartford, Sep. 29, 1905.

- 1905 **Anderson, L. A.** Competition in Life Insurance. *Yale Rev.* 14:285-99.
- 1905 **Scovel, C. W.** Some Special Safeguards of Life Insurance. *Life Insur. Courant*, 11:102-3.  
An address before the Pittsburg Association of Life Underwriters, Oct. 2, 1905.
- 1905 **Smith, C. J.** Life Insurance and the Public; The Side which Has Not Been Told. *Eclectic M.* 145:473-81.
- 1905 **Great Insurance Companies as Fountain-heads of Political and Commercial Corruption.** *Arena*, 34:514-23.
- 1905 **Mass.—Insurance Commissioner.** The Life Insurance Situation. Texts and tables from pt 2 of the 50th Annual Report of the Insurance Commissioner of Massachusetts, p.20.
- 1905 **Windmuller, Louis.** Life Insurance Methods. *Forum*, 37:281-85.
- 1905 **Wellman, Walter.** American Life Insurance on Trial. *Am. Mo.Rev.* of Rev. 32:458-68.
- 1905 **Brandeis, L. D.** Life Insurance; the Abuses and the Remedies; an address delivered before the Commercial Club of Boston by Louis D. Brandeis, Counsel for the Protective Committee of Policyholders in the Equitable Life Assurance Society. *Mutual Underwriter*, 25:13-18.
- 1906 **Irresponsible Insurance Millions.** *World's Work*, 11:7100-6.

### Comparative legislation

- 1894 **Bramer, Herman, & Bramer, Karl.** Das Versicherungsrecht in den einzelnen Staaten. *See their* Das Versicherungswesen, ch.7, p.49-59.
- 1895 **Harding, H. R.** Report on Government Legislation in Reference to the Working of Life Assurance Companies. *International Congress of Actuaries, Documents*, 1:210-85.  
Comparative tabulation of legislation of all countries relating to accounts and reports, deposits and taxation.
- 1899 **Papers on Life Insurance Legislation in Various Countries.** *International Congress of Actuaries, Transactions*, May 16-20, 1898, 2:185-368.  
Australasia, New Zealand, France, Germany, Holland, Russia, Spain, Switzerland and Great Britain.
- 1901 **National Convention of Insurance Commissioners.** Discussion of Proposed Uniform Law. *Proceedings*, 1901, p.33-42, 64-87; 1903, p.129-32.
- 1902 **Schuster, E. J.** State Supervision of Insurance Companies in Germany and Elsewhere. *Econ. Jour.* 12:561-73.
- 1904 **Statutory Requirements; Synopsis of the Statutory Requirements of the various states and territories.** *Insurance Yearbook (Life and Miscellaneous)*, p.33-87.
- 1905 **U. S.—Manufactures, Bureau of.** Insurance in Foreign Countries. *Special Consular Reports*, v.38. 253p.

### Great Britain

**Great Britain—Board of Trade.** Annual Statement of Accounts and of Life Assurance and Annuity Business and Abstracts of Actuarial Reports Deposited with the Board of Trade under Sec. 10 of "the Life Assurance Companies Act, 1870."

- 1899 **Hewat, Archibald.** Stability of British Life Assurance; address delivered to the Insurance Institute of Manchester, Jan. 12, 1899. 19p.
- 1899 **Barrand, A. R.** On Legislation in the United Kingdom as Affecting the Life Assurance Contract. International Congress of Actuaries, Transactions, May 16-20, 1898, p.316-33.

### Germany

- Annual Report "des Kaiserlichen Aufsichtsamtz für Privatversicherung."**
- 1900 **Hager, Paul.** Die öffentlich-rechtliche Regelung des Privatversicherungswesens in Deutschland. 138p. Berlin.
- 1901 **Gesetz über die privaten Versicherungsunternehmungen.** Reichs Gesetzblatt, no.18.  
For an English translation of the above law, see U. S. Consular Reports, 67:463-92; also Special Consular Reports, 38:31-48.
- 1902 **Vorschriften über die Rechnungslegung der vom Kaiserlichen aufsichtsamte für Privatversicherung beaufsichtigten grösseren Lebensversicherungsunternehmungen.** Berlin. 70p.  
For an English translation of the above regulations, see U. S. Consular Reports, 70:267-89.
- 1904 **Manes, Alfred.** Die staatliche Kontrolle von Lebensversicherungs-Gesellschaften in Deutschland. Juristische and Wirtschaftliche Grundsätze. 4th International Congress of Actuaries, Proceedings, Aug. 31-Sep. 5, 1903, 1:971-91.  
p.986-89 English abstract of above article.
- 1904 **Broeker, Dr.** Die Bedeutung des Prämienreservefonds nach dem deutschen Privatversicherungsgesetze. 4th International Congress of Actuaries, Proceedings, Aug.31-Sep. 5, 1903, p.1076-94.  
p.1091-93 English abstract of above article.

### France

- 1899 **Massé, L.** Life Assurance Legislation in France. 2d International Congress of Actuaries, Transactions, May 16-20, 1898, p.259-64.
- 1900 **Latta, Alexander.** Life Insurance in France. London Actuarial Society of Edinburgh, Transactions, v.4, no.15, p.471-514.
- 1900 **Bosredon, M.** Histoire des assurances sur la vie; origines; développements en France. 240p. Bordeaux.
- 1905 **Loi relative à la surveillance et au contrôle des Sociétés d'assurances sur la vie, et de toutes les entreprises dans les opérations desquelles intervient la durée de la vie humaine,** Mar. 17, 1905. Bulletin des lois, no.45772.  
For an English translation of the above law, see Special Consular Reports, 38:13-17.
- 1905 **Décret relatif au Comité consultatif des assurances sur la vie,** Mar. 17, 1905. Bulletin des lois, no.45932.
- 1905 **Rochetin, Eugène.** Le contrôle et la surveillance des compagnies d'assurance sur la vie. Journal des Economistes ser.6, 7:20-34.
- 1905 **The French Law for the Supervision of Life Insurance.** Insur. World, 32:785.

## Spain

- 1899 **Salvador, J. Malquer y.** On Commercial Legislation Regarding Life Assurance in Spain. 2d International Congress of Actuaries, Transactions, May 16-20, 1898, p.292-93.

## Russia

- 1899 **Ostrogradsky, M.** On Life Assurance in Russia. 2d International Congress of Actuaries, Transactions, May 16-20, 1898, p.287-89.

## Sweden

- 1903 **Lag om försäkringsrörelse**, 24 July 1903. Svensk författnings-samling, no.94, p.1-60.
- 1903 **Lag om utländsk försäkringsanstalts rätt att drifva försäkringsrörelse här i riket**, 24 July 1903. Svensk författnings-samling, no.94, p.61-68.
- For an English translation of the above law, *see* Special Consular Reports, 38:69-73.
- 1904 **Lundgren, D. F.** Über die Hauptbestimmungen der neuen schwedischen Versicherungsgesetze. 4th International Congress of Actuaries, Proceedings, Aug. 31-Sep. 5, 1903, p.915-28.
- p.923-25 English abstract of the above article.

## Holland

- 1899 **Blankenberg, J. F. L.** Life Assurance Legislation in Holland; The General Principles of the Laws Concerning the Assurance Contract, and those Regulating the Constitution of Life Assurance Companies; Actual Situation and Apparent Tendencies. 2d International Congress of Actuaries. Transactions, May 16-20, 1898, p.269-83.

## Switzerland

- 1899 **Ceresole, Dr.** On Legislation Regarding Life Assurance in Switzerland. 2d International Congress of Actuaries, Transactions, May 16-20, 1898, p.297-99.
- 1904 **Switzerland—Conseil fédéral.** Message à l'Assemblée fédérale sur le projet d'une loi fédérale concernant le contrat d'assurance. 112p.
- 1904 **Rosselet, F.** Forme donnée en Suisse au contrôle de l'état sur les Sociétés d'Assurances sur la vie. 4th International Congress of Actuaries, Proceedings, Aug. 31-Sep. 5, 1903, p.1057-75.
- p.1073-74 English abstract of the above article.
- 1905 **Switzerland—Assurances, Bureau fédéral des.** Rapport sur les entreprises privées en matière d'assurances en Suisse, 1903. 191p. Berne. Contains text of insurance laws and regulations. For an English translation of the insurance law of Switzerland, *see* Special Consular Reports, 38:75-79.

New Zealand, *see* Government insurance

## Australasia

- 1899 **Teece, Richard.** Life Assurance Legislation in Australasia. 2d International Congress of Actuaries, Transactions, May 16-20, 1898, p.185-94.
- 1904 **Carment, David.** Life Assurance in Australasia. 4th International Congress of Actuaries, Proceedings, Aug. 31-Sep. 5, 1903, 1:521-49.



## Canada

- 1894 **Sanderson, Frank.** Life Assurance in Canada. Actuarial Society of Edinburgh, Transactions, v.3, no.7, p.149-96.
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## DIRECT NOMINATIONS

A partial list of material in the N. Y. State Library relating to choice of party candidates by direct vote at primary elections.

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### NOTE

Laws providing for direct nominations under strict public control have recently been passed in Massachusetts, Michigan, Minnesota, Montana, New Jersey, North Dakota, Oregon and Wisconsin, and it is with particular reference to this movement that the present list has been prepared. The older movement in the South and in some northern localities for direct nominations at the option of the party committee and without strict public control is only incidentally included. In this, as in all of the reference lists of this series, the aim is impartially to include the best material on both or all sides of the subject.

The best general sources of information on direct nominations are Meyer's *Nominating Systems* published in 1902 and *Michigan Political Science Association Proceedings*, 1905. Minnesota has had the longest experience with a modern direct nomination law, and the articles describing this experiment are therefore especially valuable.

Dr Charles McCarthy, Legislative Reference Librarian, Madison, Wis. gave valuable assistance in the preparation of the list. The material under each heading is arranged chronologically. A brief note is often added to explain the scope of the entry or the position taken by the author.

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- 1903 **Tuttle, A. H.** Limitation upon the Power of the Legislature to Control Political Parties and their Primaries. Mich. Law Rev.: 466-95.  
A general discussion of constitutional limitations but without special reference to direct nominations.
- 1903 **Crossley, James Judson.** The Regulation of Primary Elections by Law. Iowa Jour. of Hist. & Pol. 1:165-93.  
Comparison of state laws. History of movement in Iowa. Favors direct nominations.
- 1903 **Luce, Robert.** The Primary Election; a series of ten articles published in Public Policy from Oct. 3, 1903 to Dec. 5, 1903. 59p.  
A detailed argument for direct nominations. Mr Luce was the author of the Massachusetts primary election law and a member of the Massachusetts House of Representatives.
- 1904 **Draft of a Proposed Municipal Nominating Law Submitted to the National Municipal League at its annual meeting held Ap. 27-29.** 34p.  
Provides for selection by direct vote of candidates to represent each "platform of principles"; each such platform must secure a certain percentage of the total vote to be entitled to a place on the ballot.
- 1905 **Deming, H. E.** Municipal Nomination Reform. Annals Am. Acad. Pol. & Soc. Sci. 25:203-17.  
Advocates the plan formulated in the above draft of municipal nominating law.

- 1905 **Cheney, Charles B.** *Political Movements in the Northwest.* Am. Rev. of Rev. 31:337-41.  
Some notes on experience under the Minn. law and an account of the direct primary movement in other states of the Northwest.
- 1905 **Carter, O. R.** *Points on Primaries.* Voter, Jan. 1905, p.32-45.  
Referred to in Ohio State Library Bulletin Dec. 1905; not in N. Y. State Library. Contains summary of primary laws in all states.
- 1905 **Michigan Political Science Association.** *Primary Reform.* Publications v.16 no.1. 149p.

#### Contents

- p.3 **Butterfield, Roger W.** *president of the Michigan Political Science Association.* Direct Primaries in Kent County.
- p.31 **Hempstead, Ernest L.** *editor of the Crawford Journal Meadville Pa.* Forty Years of Direct Primaries.
- p.55 **Paivle, John A.** *University of Michigan;* **Simpson, David F.** *district judge, Minneapolis;* **Schaper, William A.** and **Anderson, Frank M.** *University of Minnesota.* Direct Primaries in Minnesota.
- p.73 **Smith, Howard L.** *professor of law, University of Wisconsin.* The New Primary Law in Wisconsin.
- p.93 **Bull, Henry Adsit,** *Republican district committeeman, Buffalo, N. Y.* The New York Primary Law.
- p.106 **Tuttle, A. H.** *Ohio State University.* The Bronson Primary Law in Ohio.
- p.118 **Merriam, Dr Charles E.** *University of Chicago.* The Chicago Primary System.
- p.125 **Mechem, Floyd R.** *professor of law, University of Chicago.* Constitutional Limitations on Primary Election Legislation.

#### Iowa

- 1904 **An Act Providing for the Election of Delegates of Political Parties by a Primary Election and for the Nomination of Officers by a Delegate Convention System.** Iowa laws '94 ch.40.  
Elector to vote for delegate and nominee; delegate elected from precinct deemed to be instructed to vote, as long as good faith requires, for nominee receiving highest vote in that precinct. Candidate having majority of delegates instructed, to be declared duly nominated without a ballot. Applies to election of all officers in counties over 75,000, except officers of incorporated towns and school districts.

#### Kansas

- 1898 **Hopkins, John S.** *Direct Nomination of Candidates by the People.* Arena 19:729-39.  
Gives practical working of system of direct primaries adopted by Republican party in Jackson county. Advocates direct primaries.

#### Massachusetts

- 1901 **An Act Relative to the Nomination and Election of Senators and Members of State Committees in the Suffolk Senatorial Districts.** Mass. laws '01 ch.402.  
Senators nominated and committeemen elected by direct plurality vote in caucus in Suffolk senatorial districts.
- 1902 **An Act to Provide for Direct Nomination in Cities, of Candidates for Certain Elective Offices.** Mass. laws '02 ch.537.  
Nomination of candidate for representative in general court or any elective city office except member of school committee of Boston, to be voted for only in two or more wards of one city, to be made in caucus by direct plurality vote.
- 1902 **Direct Nominations in Massachusetts.** Outlook 72:486-87.

#### Michigan

- 1904 **Simons, C. C.** *Direct Primary Elections.* Mich. Pol. Sci. Ass'n Pub. 5:134-44.  
Senator Simons discusses the experience of Detroit in two tests of the direct primary. Strongly commends the system.
- 1905 **Butterfield, Roger W.** *Direct Primaries in Kent County.* Mich. Pol. Sci. Ass'n Pub. 6:3-31.  
Experience with the direct primary in Grand Rapids Mich. Advocates direct primary.

- 1905 **An Act Relative to the Nomination of Party Candidates for Public Office, and Delegates to Political Conventions, in Certain Cases, to Regulate and Protect Primary Elections and to Prescribe Penalties for the Violation thereof.** Mich. laws '05 ch.181.

On petition of 20 per cent of enrolled electors of political party, question of direct nominations for city, county, legislative and congressional district offices to be submitted to vote.

Question of direct nomination of Governor and Lieutenant Governor to be submitted without petition on second Tuesday in June 1906.

#### Minnesota

- 1899 **An Act Providing for the Selection of Candidates for Elections by Popular Vote and Relating to Elections.** Minn. laws '99 ch.349; amended '01 ch.216, '02 ch.6, 7; '05 ch.92.

Applies to all officers chosen by electors of subdivision of the state, except members of school, park and library boards in cities under 100,000 and municipal and school officers in cities under 10,000.

- 1901 **Mearkle, A. L. Minnesota Primary Election Law.** Amer. Mo. Rev. of Rev. 24:465-68.

Favorable report on Minneapolis's first trial of direct primaries.

- 1901 **Hodder, W. C. Minneapolis Plan of Direct Primaries.** Municipal Affairs, 5:802-9.

- 1902 **Knappen, T. M. Results of the Minnesota Direct Primary System.** Independent, 54:2694-95.

- 1902 **Anderson, Frank M. The Test of the Minnesota Primary Election System.** Annals of Am. Acad. of Pol. & Soc. Sci. 20:140-52.

A detailed analysis of the vote in 1902.

- 1905 **Fairlie, John A., Simpson, David F., Schaper, William A. & Anderson, Frank M. Direct Primaries in Minnesota.** Mich. Pol. Sci. Ass'n Pub. 6:55-73.

A clear discussion of defects and advantages.

#### Montana

- 1905 **An Act to Provide for the Nomination of Candidates by Direct Vote at a Primary Election, to Provide the Method of Adopting Such Act in Any County or City . . .** Mon. laws '05 ch.99.

To be submitted to vote in county or city on petition. Does not apply to nomination of members of Congress, state officers, or to certain school and judicial officers.

#### Nebraska

- 1905 **An Act Entitled an Act to Provide for Primary Elections in Counties having a population of more than 125,000 inhabitants and to regulate the same, to provide for the nomination of certain candidates for certain offices at such primary elections; provide for the election of delegates to state and congressional and judicial conventions; to provide for the election of members of the state, congressional and county committees of the several political parties at such primary election . . .** Neb. laws '05 ch.66.

#### New Jersey

- 1903 **A Further Supplement to an Act Entitled, "An Act to Regulate Elections" (Revision of 1898), approved April 4, 1898.** N. J. laws '03 ch.248.

Applies to all elective state and city offices. Candidates to be voted for at general election for members of Assembly by voters of a single ward or township to be nominated directly; other candidates to be nominated by delegates chosen at primaries opposite name of candidate for delegate on his request, to be printed on primary ballot his choice for nominee.

**New York**

- 1898 **City Club of New York.** Memorandum of the Underlying Principles upon which Should Rest Any Statute Regulating Methods of Making Political Party Nominations for Public Office. Council Document no.2. 11p.  
Advocates direct nominations.
- 1899 **Coler, Bird S.** When the People Nominate. Independent, 51: 3210-12.  
Advocates direct primary for New York city.
- 1902 **N. Y. Assembly Bill no. 1824 introduced by Mr Bennet.** An Act to Amend the Election Law Relative to Direct Nominations.
- 1902 **N. Y. Senate Bill no. 810 introduced by Mr Marshall.** An Act to Provide for the Selection of Candidates for Public Office, Delegates to Conventions and Party Committees by Direct Vote of the Electors in Cities over One Million.
- 1903 **N. Y. Assembly Bill no. 664 introduced by Mr Fowler.** An Act to Amend the Election Law by Providing Direct Nominations for Officers to be Chosen by the Electors of a County or Subdivision thereof.
- 1905 **Bull, Henry Adsit.** The New York Primary Law. Mich. Pol. Sci. Ass'n Pub. 6:93-106.
- 1905 **Utica Chamber of Commerce.** Report of the Legislative Committee on the Essential Points of a Proposed Bill for Better Primaries. 3p.  
Advocates direct nomination of local officers.

**North Dakota**

- 1905 **An Act Providing for the Selection of Candidates for Election by Popular Vote and Relating to their Nomination and the Perpetuation of Political Parties.** N. D. laws '05 ch.109.  
Applies to cities of 3000 and over, to county officers, members of Assembly, county commissioners and city officers and also to delegates to state and judicial district conventions.

**Ohio**

- 1905 **The Dark Side of Direct Primaries.** Outlook, 59: 797.  
Letter to the editor asserting failure of direct nomination system in Cayahoga county, Ohio.
- 1905 **Tuttle, A. H.** The Bronson Primary Law in Ohio. Mich. Pol. Sci. Ass'n Pub. 6:106-18.

**Oregon**

- 1904 **An Act to Propose by Initiative Petition a Law . . . Providing for Holding Primary Nominating Elections . . . for the purpose of nominating all the candidates by all political parties subject to this law for all public offices to be filled at the ensuing election, and for a Senator in Congress . . . providing for the election by the several political parties subject to this law, of their central committeemen, and defining their duties and powers as such committeemen. . . Ore. laws '05 ch.1.**  
Submitted by initiative petition and adopted by the people June 6, 1904.

**Pennsylvania**

- 1905 **Hempstead, Ernest A.** Forty Years of Direct Primaries. Mich. Pol. Sci. Ass'n Pub. 9:31-55.

A review of 40 years experience with direct primary in Crawford county, Pa. Results asserted to be highly satisfactory.

**Wisconsin**

- 1901 **Monahan, James G.** The Primary Election Law; speech before the committees . . . of the Wisconsin Legislature, Feb. 12, 1901. 14p.

Opposes direct nominations. .

- 1901-5 **La Follette, Robert M.** *Governor of Wisconsin.* Message to the Legislature, Jan. 15, 1903, p.58-60; Jan. 12, 1905, p.74-75; Dec. 5, 1905, p.18-24.

Governor La Follette argues strongly for direct nominations. In his message of December 5, 1905 he urges amendment of direct nomination law so as to provide for expression of second choice and avoid evil of minority nominations.

- 1904 **An Act to Provide for Party Nominations by Direct Vote.** Wis. laws '03 ch.45; adopted by vote of the People Nov. '04.

Applies to all nominations, state and local, except certain school and judicial.

- 1905 **Smith, Howard L.** The New Primary Law in Wisconsin. Mich. Pol. Sci. Ass'n Pub. 6:73-93.



*New York State Education Department*  
**New York State Library**

LEGISLATIVE REFERENCE LISTS 1906      LEGISLATION BULLETIN 30C

**EMPLOYMENT OF BLIND**

A partial list of material in the N. Y. State Library relating to industrial training and employment of the adult blind.

BY

HELEN PAGE BATES PH.D.

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**NOTE**

The existing agencies for improving the condition of the blind in Europe and the United States may be grouped as educational, industrial and charitable. The charitable provisions consist of pensions, quite generally made use of in England, and found in this country in New York city and in Cleveland, also by recent statute of 1903 introduced into the state of Illinois. In addition there are public and private asylums for the aged and incapacitated blind. The educational provisions include the work that libraries are doing in printing and circulating embossed books for the blind, the special day classes in connection with the common schools, the home teaching of the adult blind, and the public and private institutions for the young blind. In the United States these institutions cover the elementary and lower high school grades of instruction. They furnish also manual and technical training in a few trades, such as broom and mattress making, chair caning, weaving and rope making. In contrast with foreign institutions, the literary training in America is much more prominent than the industrial. Industrial homes, where the inmates are taught how to work and required to work toward their support, have been tried in many states. The number of beneficiaries of these various institutions, however, aggregate but a small proportion of the total blind population.

There is nowhere adequate provision for the adult blind, 80% of whom become so after 20 years of age and are thus debarred

from admission to institutions. To meet this exigency industrial training schools and workshops have been operated for the adult blind in England since 1856 and also in connection with German institutions. In case of the latter an efficient system of after-care of pupils has aided materially in making the blind self-supporting after leaving the institution.

In England the education of the blind was made compulsory by act of 1894, provision being made at the same time for a system of government grants by means of which certain certified schools furnish free instruction for blind children in special day classes. In the United States, two permanent state commissions for the blind have been created, one in Connecticut to have general supervision of education and one in Massachusetts to provide training for self-support. Massachusetts has also established an experiment station where new occupations may be tested as to their availability.

The best general sources of information on the subject are the Great Britain Royal Commission report on the blind and deaf and dumb, published in 1889, together with the reports of the Massachusetts commissions, published in 1900, 1904 and 1906 respectively, and that of the New York commission, in 1904.

#### General

##### YEAR

- 1888 **Dow, J. J.** *superintendent of Minnesota School for Blind.* Organization to Aid Adult Blind to Become Self-supporting. National Conference of Charities and Corrections. Proceedings, p.113-19.  
Shows that schools for young blind can not supply industrial training for adult blind without great detriment to the former; urges need of organizations similar to those of Dresden and Paris, through which positions are secured for pupils of institutions and temporary aid given to unemployed till work is obtained.
- 1888 **Illinois Board of Public Charities.** Workshops for Blind. Report 1888, p.69-75.  
Criticizes the establishment of industrial homes for blind, and contrasts the results obtainable by local workshops for blind as operated in Europe.
- 1889 **Great Britain Royal Commission on Blind and Deaf and Dumb.** Report, 1889. London. 4v.  
Gives summary on prevailing conditions of blind both in Europe and United States, with detailed description of institutions for blind in England and on the continent.
- 1890 **United States Census of 1890.** Insane, Feeble-minded, Deaf and Dumb, and Blind. v.11, pt7.  
Tabulation of occupations of blind men and women, p. 745.
- 1893 **Van Cleve, J. S.** The Bearing of Blindness on Musicianship. Music, 3:62-69; 5:21-28, 196-206.  
Treats of difficulties and achievements of blind men as performers, teachers and composers of music.
- 1896 **United States Bureau of Education.** Statistics on Institutions for Blind. Report 1895-96, 20:2117-21.  
Gives geographic distribution of institutions, aggregate number of teachers and pupils, and proportion of teachers and pupils in literary and industrial departments.

- YEAR**
- 1898 **Bennett, A. G.** *instructor in diseases of eye and ear at University of Buffalo.* *Massage as an Occupation for Blind.* Philadelphia Medical Journal, 1:426-29.  
Increasing demand for trained masseurs, both women and men, the sensitive touch of the blind making them peculiarly fitted for this work.
- 1898 **Sibley, J. T.** *superintendent of Missouri School for Blind at St Louis.* *Has Massage Any Place in Schools for Blind?* American Association of Instructors of Blind. Proceedings, p.19-31.
- 1900 **Allen, E. E.** *Education of Defectives.* 51p. Butler, N. M. *ed.* Monographs on Education in U. S. 1900, no. 15.  
History of education of blind, p.18-29.
- 1900 **Anagnos, Michael,** *director of Perkins Institute and Massachusetts School for Blind, at Boston.* *Through Education to Independence.* Education, 20:298-305.  
Disapproves of founding industrial homes for blind which deprive blind of needed association with business world; advocates founding of scholarships for eligible candidates for higher education.
- 1900 **Massachusetts State Board of Education.** *Report on Instruction of Adult Blind at their Homes.* 33p. (House Document 1364)  
Gives comparative views of what is being done by English, German and American agencies for adult blind as to home teaching and trade instruction.
- 1904 **Campbell, C. F. F.** *agent of Massachusetts Association for Promoting Interests of Blind.* *Spontaneous Recreation and Industrial Training for the Blind.* National Conference of Charities and Corrections. Proceedings, p.419-21.
- 1904 **Hall, H. L.** *superintendent of Pennsylvania Working Home for Blind Men.* *Trades for the Blind.* See Report of Pennsylvania Working Home for Blind Men, p.27-37.
- 1904 **Massachusetts Commission to Investigate Condition of Adult Blind.** *Report 1904.* 14p. (House Document 187)  
Commission recommends that for the adult blind, 20 to 60 years of age, the state provide employment bureaus, also shop schools or industrial homes, the maintenance of a registration bureau being a necessary prerequisite to the success of the latter
- 1904 **New York Commission to Investigate Condition of Adult Blind.** *Report 1904.* 74p. (Assembly Document 6)  
Most comprehensive report. In addition to material made available through Massachusetts commissions of 1899 and 1903, the New York commission made careful investigation of New York city pensioners, local poorhouses, prominent institutions of blind east of Mississippi river, and through agents registered conditions of 1000 cases of resident blind in state.
- 1904 **United States Census of 1900.** *Benevolent Institutions.* 332p.  
p.50-53 Schools and homes for deaf and blind; p.296-305 gives name, location of public, private or ecclesiastical institutions for blind, classes admitted, object of institution and date of foundation.
- 1905 **McCune, T. F.** *superintendent Iowa College for Blind at Vinton.* *Education of Blind in United States.* Bulletin of Iowa Institutions, 7:429-39.  
Comparative statement of the schools for blind in the several states, organization and management, per capita allowance for maintenance, courses of study, proportional number of teachers to enrolment in literary and industrial departments of each institution.
- 1905 **Smead, G. L.** *superintendent of Ohio State School for Blind.* *Institutions for Blind in United States as essential Part of Educational System.* Bulletin of Iowa Institutions, 7:137-45.

## YEAR

- 1905 **Lewis, F. P.** *president of New York Commission for Blind, 1904.*  
Necessity of State Care of Adult Blind. Charities, 13:497-98.  
Emphasizes need of state aid to furnish trade training for adult blind who have become blind when beyond school age; all blind, even if they have had industrial training in institutions, need assistance in finding employment, since as a class they are particularly lacking in knowledge of business world.
- 1906 — *Present Needs of Adult Blind.* Charities, 15:607-9.  
Emphasizes financial gain to state of preventing all cases of unnecessary blindness and of providing trade instruction to utilize industrial ability of each adult blind person.
- 1906 **Campbell, C. F. F.** *agent of Massachusetts Association for Promoting Interests of Blind.* Scope of Future Work to Improve Condition of Blind. Charities, 15:610-13.
- 1906 **Charities and the Commons.** Special Issue on Blind, 15:567-658.
- 1906 **Massachusetts Commission on Adult Blind.** Report. 32p. (House Document 275)  
Comprehensive report, based on data collected from leading institutions for blind in Europe and America supplemented by reports of 3600 cases of adult blind residents in state investigated by field agents. Continuation of investigation begun by commission of 1903.

## United States

## California

**California Industrial Home for Mechanical Trades for Adult Blind (Oakland).**  
Reports, 1887 to date.

Referred to in New York Commission on Blind as most successful industrial home for men and women in United States. Not in New York State Library.

## Connecticut

**Connecticut Institute and Industrial Home for Blind (Hartford).** Annual Reports, 1893 to date.

The institute was established in 1893 as a private corporation for the stated purpose of furnishing trade instruction to adult blind, under supervision of State Board of Education for Blind. In 1895 (ch.303) the state made appropriation for industrial plant of institute. Reports from 1893 to date are to be found in those of State Board of Charities, also in those of Board of Education for Blind.

**Jones, C. H.** *superintendent of Industrial Institute for Adult Blind.* Industrial Institute for Adult Blind, at Hartford, Ct. Charities, 15:624-26.

Gives early history leading to establishment of institute and describes various industries; experiment of employing blind in feeding printing presses, operating stitching machines and folding book sheets promises to be successful.

**Connecticut State Board of Education for Blind.** Reports, 1893 to date.

Board was created in 1893 (ch.156), consisting of Chief Justice of Supreme Court, Governor and two appointees, with power to direct the education of all blind persons in state. By act of 1899 (ch.218) the board is to provide for those state beneficiaries over 18 years of age who have been pupils in the industrial department of any institution, three years free instruction in some useful occupation, and at the end of the period implements, not exceeding \$200 in any case, may be furnished. Reports are biennial from 1895 to 1905, thereafter by act of 1905 (ch.66) the reports are to be submitted annually in January.

## Indiana

**McGiffen, C. S.** *superintendent of Indiana Industrial Home for Blind Men.*  
Indiana Industrial Home for Blind Men, at Indianapolis. Charities, 15:634-35.

Private corporation without state or local aid; institution was opened in 1900 as a workshop for blind men; the home feature at first introduced has been abandoned; industry is restricted to broom manufacture.

**Maryland**

**Act to Provide for Commission to Investigate Condition of Adult Blind:** to Secure Register of all Blind Residents, which will state causes of blindness and capacity for industrial training; to report recommendations to Legislature by Jan. 1, 1908. Maryland laws '06, ch.290.

**Massachusetts**

**Act to Establish Massachusetts Commission for Blind.** Massachusetts laws '06, ch.385.

Commission of five to be appointed for five years by Governor and council, to prepare and maintain register of blind and to serve as bureau of industrial aid; commission may establish industrial training schools and workshops, and also furnish tools to any blind person; annual report; \$20,000 appropriation for 1906.

**Act to Provide for Instruction of Adult Blind at their Homes by Perkins Institute and Massachusetts School for Blind.** Massachusetts laws '00, ch.430.

Follows recommendations of investigating commission of 1899.

**Campbell, C. F. F. *superintendent of Experiment Station for Trade Training of Blind.*** Experiment Station for Trade Training of Blind at Boston. Charities, 15:635-40, 673.

Massachusetts Association for Promoting Interests of Adult Blind was organized in 1903, with the object of testing new occupations for blind, and introducing the blind into factories. Experiment Station was opened in 1904. The fundamental principle is as far as possible to continue a blind person in same line of work followed before blindness. Handmade rugs have proved an available occupation for women, and establishment of handicraft shops in several centers is planned. A mop patented by a blind workman is being manufactured and is selling well on the market. Mechanical processes in manufacture requiring no inspection have been sought out. This has already resulted in placing several blind persons in factories alongside of sighted operatives.

**Massachusetts Census of 1895. Defective Social and Physical Condition.** v.3, pt 3.

Tabular analyses given of number, sex, nativity, illiteracy and employment of blind residents, p.567-72, 592-94.

**Massachusetts Commission on Adult Blind. Report 1906.** 32p. (House Document 275)

Continuation of investigation begun by commission of 1903, with additional material of preliminary state census returns of 1905 and the consolidated catalogue of 3600 cases of blind residents investigated by field agents; recommendations same as those of preceding commission. For résumé see Charities, 15:618-20.

**Massachusetts Commission to Investigate Condition of Adult Blind. Report 1904.** 14p. (House Document 187)

Commission recommends that for the adult blind, 20 to 60 years of age, the state provide employment bureaus, also shop schools or industrial homes, the maintenance of a registration bureau being a necessary prerequisite to the success of the latter.

**Massachusetts State Board of Education. Report on Instruction of Adult Blind at their Homes.** 1900. 33p. (House Document 1364)

Gives comparative view of English, German and American authorities on what is being done for adult blind in homes and in trades; recommends that Legislature make appropriation for limited period for home instruction to be expended by Perkins Institute with approval of State Board of Education. For résumé see Charities Review, 1900, 10:194.

**Perkins Institute and Massachusetts School for Blind. Reports, 1833 to date.**

Incorporated as New England Asylum for Blind in 1829; separate workshop for adult blind is maintained in South Boston for limited number of pupils; instruction of adult blind in homes is carried on by field agents under supervision of institute with approval of Board of Education.

**Wadlin, H. G. *chief of Massachusetts Bureau of Statistics of Labor.*** Physically Defective Population in Massachusetts in Relation to Industry. Bulletin 1902, no. 21, p.1-12.

Tabulation of 4000 blind persons in state shows 55% of men and 31% of women to be self-supporting, nearly one third entirely supported by families, one seventh by pensions, public or private charity, and the remainder partially self-supporting.

**Wright, Lucy, field agent of Massachusetts Commission for Adult Blind.** Field Work among Blind in Massachusetts. Charities, 15:613-16.

Much valuable information gained through cooperation of blind residents and local authorities; need emphasized of promptness in giving industrial aid to prevent blind from drifting into questionable occupations.

### Michigan

**Michigan Employment Institution for Blind.** Biennial Reports. 1906.

Established by act of 1903 (ch.169); board of trustees appointed by Governor to locate site, erect buildings and direct management. The institution is to carry on factory, working home, circulating library and employment bureau; admission of adult blind, 18-60; state to meet expense of apprentices for period not exceeding 3 years; blind inmates of local poor-houses may be sent to state institution; \$75,000 for equipment, \$10,000 and \$25,000 for maintenance 1904-5.

**Hamilton, J. Perrine, superintendent of Michigan Employment Institution for Blind.** Michigan Institution for Blind at Saginaw. Charities, 15:632-34.

Institution was opened December 1904, as a combination of industrial home and workshop; at present the broom trade is principal occupation. Workmen on pay roll are paid for work by piece; difficulty in getting notice of institution before adult blind, as census is unreliable.

### New York

**Act to Provide for Appointment of Commission to Prepare . . . Register of Blind . . . and to Investigate their Condition and Report on . . . Establishment by State of Industrial Training Schools . . . \$5000.** New York laws '06, ch.671.

Continuation of movement begun by commission of 1903. For résumé see Charities, 15: 687.

**Morford, E. P. superintendent of Industrial Home for Blind.** Industrial Home for Blind at Brooklyn. Charities, 15:627-28.

Private corporation established in 1893, consisting of workshops for blind mechanics with home or boarding house attached; factory is conducted on business principles, as to hours, wages and discipline.

**A Bill to Investigate Causes of Blindness and Methods of Prevention, also to Establish Shop Schools for Blind.** (N. Y. Assembly Bill 1905, no. 1909)

**New York Association for Promoting Interests of Blind** (editorials). Charities, 15:362; 16:6.

Association organized on the same plan and for same purpose as Massachusetts association; to prepare census of blind in New York city; workshops opened in city.

**New York Commission to Investigate Condition of Adult Blind.** Report 1904. 74p. (Assembly Document 6)

Careful investigation in United States and abroad and most comprehensive report. Commission recommends creation of permanent state commission to complete and maintain register of resident blind, and establishment of workshops similar to existing ones in Europe. See also Findings of New York State Commission in Charities, 15:621-22.

### Pennsylvania

**Allen, E. E. superintendent of Institution for Instruction of Blind at Overbrook.** Pennsylvania's Inquiry into Condition of Adult Blind. Charities, 15:622-23.

Investigation begun in 1903 of condition of blind residents, by means of field agents; to acquaint blind with work of institution and place latter in touch with former pupils.

**Pennsylvania Working Home for Blind** (Philadelphia). Reports, 1874 to date.

Incorporated in 1874. Combination of industrial home and manufacturing establishment; factory of 140 blind operatives with sighted foremen, part residing in home, part outside; conventional trades: broom making, mattress making, carpet weaving and chair caning; policy to pay more than market price for articles; \$45,000 biennial appropriation. For factory with blind workmen see *World's Work*, 6:3817-18.

### Wisconsin

#### Wisconsin Workshop for Blind (Milwaukee). Biennial Reports, 1904 to date.

This workshop was established by law of 1903 (ch.432) which authorized Board of Control to rent a building in Milwaukee where blind artisans might be taught a trade; biennial appropriation made of \$5000 each for 1903 and 1904. The workshop was opened in December 1903, and after a few initial experiments willow ware manufacture was decided upon. Act of 1905 (ch.345) provides that trade instruction be given both to women and men, also to those residing outside Milwaukee county, the state to furnish transportation and board allowance, not to exceed \$75 per capita while learning the trade; willow farms are to be established at state institutions; biennial appropriation is increased to \$8000 for 1905 and 1906. Reports included in those of State Board of Control.

#### Küstermann, Oscar, *superintendent of Wisconsin Workshop for Blind*. Wisconsin Workshop for Blind, at Milwaukee. Charities, 15:629-32.

Describes process of instruction in manufacture of willow ware; the artisans are allowed as earnings the difference between the cost and the selling price of finished product. The use of home-grown willow will materially decrease the cost of product.

## Foreign countries

### England

#### Armitage, T. R. Education and Employment of Blind. London 1886.

Comprehensive view and criticism of provisions for the blind based on personal investigation. Not in New York State Library.

#### Association for Promoting General Welfare of Blind. For description of work *see* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2:19.

Association founded by Miss Gilbert in 1856 to teach trades to adult blind, to give employment in workshops or at their homes, to provide material and insure market for products. System of workshops has been generally adopted throughout England, and in majority of cases has met with success.

#### A Bill to Provide for Technical Education, Employment and Maintenance of Blind over 16 years. (Bill no. 195 of 1906, introduced by Mr Steadman)

Authorizes county and borough councils to establish technical schools, maintaining blind during five years apprenticeship, also to operate municipal workshops; government aid to 50% of cost.

#### British and Foreign Blind Association for Promoting Education and Employment of Blind. For description *see* Annual Charities Digest and Register, 1904, p.29.

Established in 1868 by T. R. Armitage, with branch associations in Europe, Australia, United States and English provinces; maintains central bureau of supplies for blind, also serves as employment bureau.

#### Great Britain Royal Commission on Blind and Deaf and Dumb. Report 1899. 4v.

- v. 1 pref. p.1-43 Summary on blind.
- v. 2 pref. p.12-76 Detailed description of institutes for blind, industrial homes and workshops in England and on Continent.
- pref. p.154-213 Tabulation of English institutions for blind, comprising 9 schools, 23 workshops, 26 combined schools and workshops and 3 asylums.
- pref. p.214-17 Tabulation of associations and missions for blind.
- pref. p.218-21 Tabulation of school board classes for blind in different cities.
- pref. p.222-28 Tabulation of pension funds and charities.
- v. 4 pref. p.42-45 Digest of testimony relating to industrial training.
- pref. p.66-75 Occupations of blind.
- pref. p.93-95 Supervision of pupils on leaving institution.
- pref. p.109-13 System of workshops.

#### Home Teaching Society for Blind. For description *see* Annual Charities Register and Digest, 1904, p.30.

Original society, outgrowth of Moon's system of home teaching, established in London by Miss Graham in 1855; object to supply instruction to all blind at homes or in workshops; 60 branch societies have been founded in provinces, the spread of movement being especially marked in the Australias. Home teachers in many instances aid in placing pupils in employment.

**Liverpool Workshops and Home Teaching for Outdoor Blind.** For description *see* Annual Charities Register and Digest, 1904, p.36.

Established in 1857: to furnish trade instruction and employment and home instruction in reading without regard to age or denomination.

**London Charity Organization Society.** Annual Charities Register and Digest, 1890 to date.

Describes work of 150 institutions and associations for the blind in Great Britain, classifying them under (1) pensions, (2) industrial homes, (3) educational institutions furnishing industrial training, (4) education and employment of nonresidents, including workshops and home teaching.

**London Institute for Massage by Blind.** For description *see* Annual Charities Register and Digest, 1904, p.30.

Established in 1901, to provide under medical direction employment for blind as masseurs at a central institute or to send them out to patients in homes or institutions.

**Royal Blind Asylum and School, at Edinburgh.** For description *see* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2:44.

Established in 1793. Consists of educational department and of workshops, employing nearly 200 workmen, of whom three fourths are nonresidents. Outdoor pupils are received for industrial training to 40 years of age.

**Royal Glasgow Asylum for Blind.** For description of institution, by Thomas Stoddart, superintendent, *see* New York Commission Report, 1904, p.40-44.

Asylum consists of common school, industrial training school and manufacturing establishment; adult blind not having attended school are admitted; variety of industries considered advisable rather than restriction to a few; men becoming blind, for most part, follow same trade as prior to blindness; traveling salesmen employed to further sales; manufacturing establishment self-supporting. *See also* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2: 48-49.

**Eaton, John, United States Commissioner of Education.** Royal Normal College for Blind, at London. United States Bureau of Education, Report 1898-99, 31:451-70.

Established in 1872, by Dr F. J. Campbell; the college embraces preparatory and high school departments, technical school and academy of music. The institution has been markedly successful in training of piano tuners, music teachers, pianists, organists, choir masters and vocalists. The institution serves also as employment bureau; a large proportion of pupils receiving positions before leaving college. *See also* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2: 17, and Charities, 12:62.

**Rutherford, John.** William Moon and his Work for Blind. London 1898. 28op.

Describes system of home teaching and free lending libraries for blind. Moon's system of embossed type especially suited to aged; adapted to 400 different dialects.

#### France

**Institution nationale pour les jeunes aveugles at Paris.** For description *see* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2:57.

Incorporated in 1784 and made a national institution in 1791. Pioneer of all educational institutions for the blind, founded through efforts of Valentine Haüy, who first carried out the project of teaching blind to read by raised type. Musical and industrial training has been a prominent feature in course of study. Supplementing the work of the institution, Société de placement et de secours, organized to secure positions and give aid to former pupils of institution. In its main features it follows the principles of supervision carried out in Saxony. The Société is not a state institution, as in the latter country, but was recognized by state in 1856. Similar auxiliary societies have allied themselves to institutions for blind in the provinces.

#### Germany

**Königliche Blinden Anstalt (Steglitz, near Berlin, Prussia).** Special Report on Courses of Instruction and Industrial Training prepared for St Louis Exposition. 1903.

Oldest institution in Germany, established in 1802. It has educational and well organized industrial departments. Connected with it is a library for blind of 5000 volumes, a point-writing printing press, the Royal Museum for Instruction of Blind, also Association to Further Economic Independence of Blind (Verein zur Beförderung der Wirtschaftlichen Selbstständigkeit der Blinden). *See also* Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 2:66-67.



**Königliche Sächsische Landes Blinden Anstalt (Dresden).** For description of institution see Report of Great Britain Royal Commission on Blind and Deaf and Dumb, 1889, 1:25-28; 2:69-73.

Royal Institution for Blind was established as private corporation in 1809, and made a state institution in 1830; it originally consisted of educational and industrial departments. It was found that on discharge from institution, pupils having had industrial training seldom carried on the trade learned, but shortly relapsed into beggary. In 1843 new policy of supervision of former pupils was entered upon; handicrafts were restricted to those which could be carried on without a teacher; commercial training was introduced into curriculum; regular correspondence carried on with relatives; upon leaving institution, a trustworthy person residing in locality of pupil was appointed to cooperate with director of institution in advising and aiding pupils to secure employment. Assistance was given to blind also in buying raw material and in marketing their products. By means of this supervision, 70%-80% of blind are able to maintain themselves by trades learned in institutions. A fund for discharged pupils was begun in 1844 which grew rapidly until in 1885 it aggregated \$225,000, the annual stipend of state aid to blind averaging about \$25 a year. This system of supervision or after-care of pupils is known as the Saxon or Fürsorge system and has been generally made use of in Saxony and Germany and is being recommended for introduction in England and United States.

**Hauptvogel, Richard.** Association for Helping the Blind. American Journal of Sociology, 1903, 8:687-92.

Account of associations formed in Saxony in cooperation with Institution at Dresden by means of which a blind man on leaving the institution is found a suitable place of employment through alliance with some business man as guardian.



## · INHERITANCE TAX

A select list of the more recent material in the N. Y. State Library

### NOTE

The inheritance tax is now found in 35 states and territories including Hawaii and Porto Rico. In about half of the states the tax applies only to collateral inheritances. In all states except Utah the rate is higher on collateral than on direct inheritances. In about one third of the states the rate of the tax is progressive, increasing with the size of the estate or the amount passing to a single individual. This is a notable feature of many of the more recent statutes. In recent laws enacted in California and Wisconsin the rates vary from 1% to 15%. The rate of the tax is also more or less progressive in Colorado, Illinois, Minnesota, Nebraska, North Carolina, Oregon, Porto Rico, South Dakota and Washington. A tabulation of inheritance tax laws of all the states is contained in the Massachusetts Labor Bulletin for July 1904. A good account of the development of the inheritance tax in the United States will be found in an article by Solomon Huebner in the *Quarterly Journal of Economics* for August 1904. Supplementary material will be found in the articles of Dr Max West in the annual Review of Legislation of the New York State Library.

Outside of the United States the inheritance tax is found in the Canadian provinces, the Australian states, New Zealand, Great Britain, France, the Swiss cantons, the German states, Belgium, Austria, Denmark, Norway, Sweden and other countries. In Canada, Australia, England, France and Switzerland the rates are highly progressive. In England they reach 8% and in France 18½%.

### YEAR

- 1893    **West, Max.** The Inheritance Tax. Columbia College Studies in Hist.  
Econ. and Public Law, 4:175-310.      305 Stg  
A monographic study of the development of the inheritance tax in the United States and foreign countries, and also of the legal and economic theories urged in its justification. It contains a seven page bibliography of the subject.
- 1893    ——— Theory of the Inheritance Tax. Political Science Quarterly,  
8:426-44.      305 P75  
Dr West here treats briefly the subjects discussed at length in his monograph. He favors progressive rates.

## YEAR

- 1895 Seligman, E. R. A. *The Inheritance Tax. See his Essays in Taxation, p.121-35.* 336.2 *Se4*  
 Brief discussion of the various theories of inheritance taxation. Professor Seligman says: "The inheritance tax today scarcely needs defense. It is found in almost every country; and the more democratic the country, the more developed is the tax. In some of the Canadian provinces, in the Australian colonies, in the Swiss cantons, in England itself, the rates are not only progressive but highly progressive."
- 1895 Dos Passos, B. F. *The Law of Collateral and Direct Inheritance, Legacy and Succession Taxes embracing all American and many English Decisions, with forms for New York State and an appendix giving the statutes of New York, New Jersey, Pennsylvania, Massachusetts, Maine, Ohio, Connecticut, Maryland, California, and Illinois. Ed. 2. 22 + 654p.*
- 1901 Whitten, R. H. *The Inheritance Tax. Nat. Civic Feder. Proc. of Conf. on Taxation, p.79-84.* 336.2 *B86*  
 Arguments in favor of the inheritance tax. Favors progressive rates.
- 1902 Bayly, R. A. *Succession Duty in Canada, containing all the acts in force in the various provinces of the Dominion as amended to 1st June 1901, with notes on the Ontario act, and lists of Canadian, American and English cases, forms and actuaries' tables. 438p.*
- 1903 Argyll, *Duke of. Death Duties in Foreign Countries. Jour. Soc. of Comp. Legis. 11:25-44.*  
 A brief paragraph summing up objections to the inheritance tax, followed by a summary of the inheritance tax provisions in Austria, Belgium, Brasil, Denmark, France, Greece, Holland, Hungary, Italy, Portugal, Prussia, Saxony, Spain and Sweden.
- 1903 Ely, R. T. *The Inheritance of Property. See his Studies in the Evolution of Industrial Society, p.271-314.* 330 *E191*  
 A clear exposition of the social basis of inheritance and the principles that should be observed in its taxation. Professor Ely favors a graduated rate with a maximum for the present of about 20%. The chapter is followed by a complete tabulation of the rates and exemptions prescribed by inheritance tax laws in foreign countries, prepared by Mr S. Huebner.
- 1904 Huebner, Solomon. *The Inheritance Tax in the American Commonwealths. Quarterly Jour. of Econ. 18:529-50.* 330.5 *Q2*  
 Review of development of inheritance taxes in the United States from 1826 to 1903. Financial significance of the tax. Tabulation of progressive inheritance taxes in Australia, Canada, France, Great Britain and Switzerland.
- 1904 *The Inheritance Tax. Massachusetts Labor Bulletin, no. 32, p.179-210.* 331 *M381*  
 A comparative review of the inheritance tax laws of the various states. The more important provisions of the tax laws are given in full. A comparative table gives for each state: (1) year in which original law was passed; (2) heirs to whom applicable; (3) property to which applicable; (4) exemptions; (5) rates of tax; (6) amounts collected during 1903.
- 1905 Baldwin, S. E. *The Modern Droit d'Aubaine. Yale Law Jour. 14:129-47.*  
 Where decedent leaves property outside the state of his domicile the present state inheritance tax laws often result in the taxation of such property both in the state of domicile and in the state where the property is situated. Judge Baldwin urges the adoption of reciprocal and uniform provisions to prevent this injustice.
- 1906 Bell, W. T. *Should Death Duties be Increased? Westmin. Rev. 165:380-86.* 052 *W52*  
 Mr Bell proposes an estate tax for Great Britain varying from 10% on \$25,000 to 20% on \$500,000. He says: "Stated shortly, the change I would venture to advocate in our system of taxation is to increase the death duties to such an extent as to make it practically impossible for any family, having accumulated sufficient capital, to live on the income derived from it without exertion, for generation after generation; in short, a tax on idleness, or at any rate nonproductivity."

YEAR

- 1906 **Hadden, Alexander.** Can the Accumulation of Great Wealth be Regulated by Taxation? Ohio Law Bulletin, 51:283-90.  
 Argues against an inheritance tax.
- 1906 **The Inheritance Tax.** Massachusetts Labor Bulletin, no. 42, p.278-85. 331 M381
- Editorial and other comment from various newspapers on the suggestion of President Roosevelt in his address of April 14, 1906, suggesting an inheritance tax so framed as to limit the amount that could be inherited by any one person.



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BULLETIN 391

NOVEMBER 1906

# New York State Library

EDWIN H. ANDERSON, Director

Bulletin 108

LEGISLATION 31

## DIGEST OF GOVERNORS MESSAGES 1906

OCTOBER 1, 1905 TO OCTOBER 1, 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

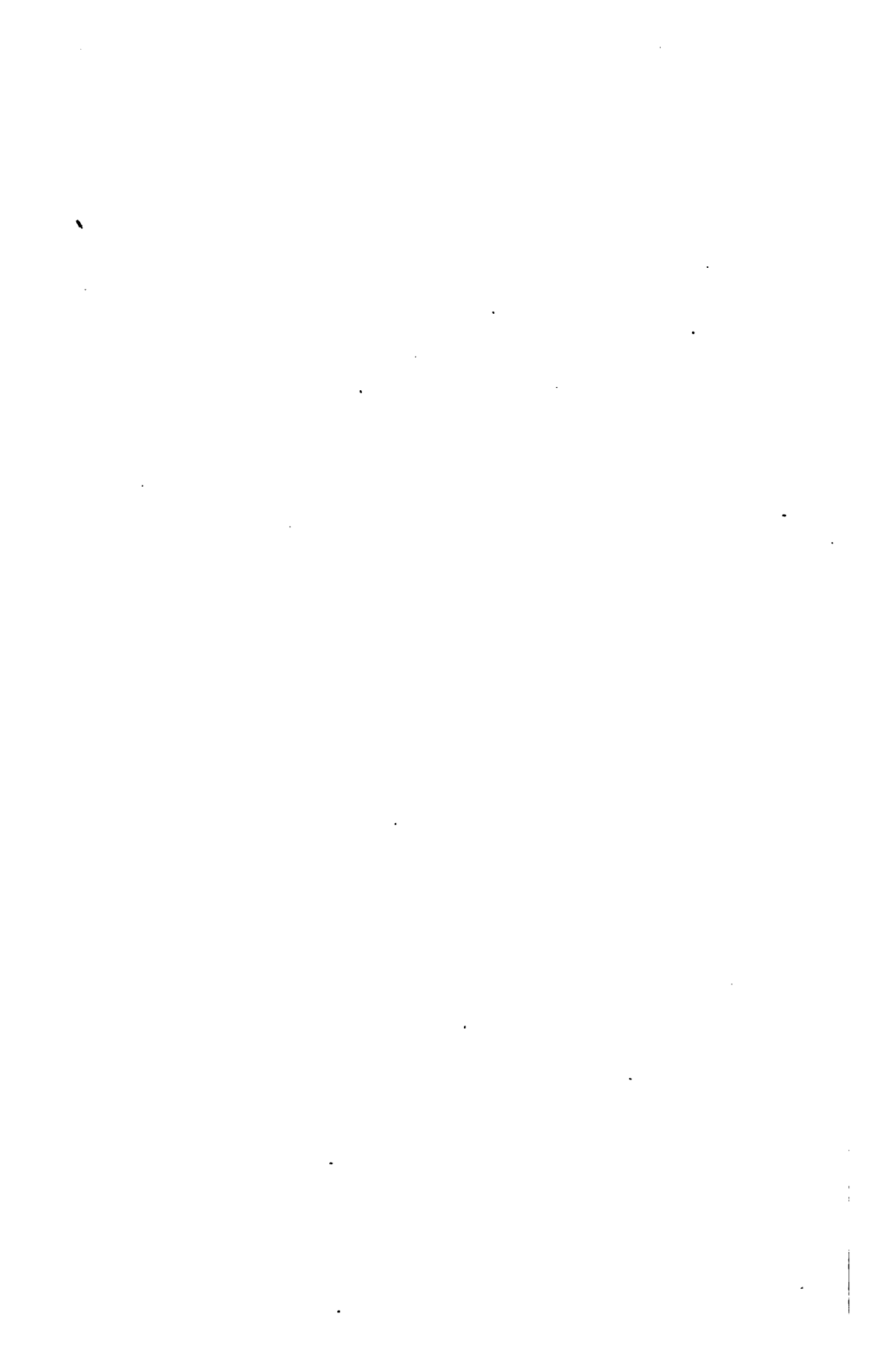
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1906

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*State Library, Albany, N. Y. August 2, 1906*

*Hon. A. S. Draper*  
*Commissioner of Education*

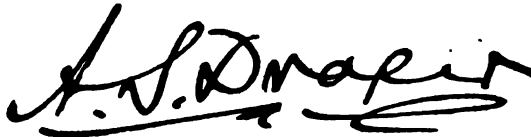
DEAR SIR: I have the honor to transmit herewith and recommend for publication the annual Digest of Governors Messages, the fifth of its series. This bulletin by digesting briefly each definite recommendation in regard to legislation, supplements the two other annuals, the Index of Legislation and the Review of Legislation, which index and review the legislation enacted. Very often too the Digest will throw light on the reasons or conditions leading to the enactment of a particular law or amendment and it will also serve as a guide to the trend of public opinion on many current problems.

Very respectfully yours

EDWIN H. ANDERSON

*Director*

*Approved for publication*

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish underneath.

*Commissioner of Education*



New York State Education Department

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EDWIN H. ANDERSON, Director

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## DIGEST OF GOVERNORS MESSAGES 1906

OCTOBER 1, 1905 TO OCTOBER 1, 1906

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### EXPLANATIONS

The digest includes all regular messages and all special messages recommending legislation. Veto messages and messages merely transmitting documents are not included. Topics in the President's message related to those with which the states have to deal are also included. As the journals of but few of the states are received in time for use, we have to rely on the executive department of each state to furnish lists and copies of the messages.

No attempt is made to index or digest everything contained in the messages but merely the definite recommendations of the governors concerning legislation. General remarks or current and miscellaneous facts and statistics on the progress and condition of the state or of a particular subject are omitted. An index entry, digest or excerpt is made for each definite recommendation. Whenever possible in the case of important recommendations leading sentences or paragraphs are quoted, giving the gist of the recommendation.

**Citations.** The citations give state, governor, day, month and year of message, and inclusive paging. The abbreviations used are given below. Many special messages are received in manuscript form and no page reference can be given.

**Classification.** The classification of the digest is the same as that used in the Index of Legislation and will continue unchanged

# N. Y. STATE LIBRARY GOVERNORS MESSAGES 1906

from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there are no recommendations this subject number is omitted.

## ABBREVIATIONS

### Months

Ja	January	Ap	April	Jl	July	O	October
F	February	My	May	Ag	August	N	November
Mr	March	Je	June	S	September	D	December

### States and territories

Ala.	Alabama	Neb.	Nebraska
Ari.	Arizona	Nev.	Nevada
Ark.	Arkansas	N. C.	North Carolina
Cal.	California	N. D.	North Dakota
Col.	Colorado	N. H.	New Hampshire
Ct.	Connecticut	N. J.	New Jersey
Del.	Delaware	N. M.	New Mexico
Fla.	Florida	N. Y.	New York
Ga.	Georgia	O.	Ohio
Ia.	Iowa	Okl.	Oklahoma
Id.	Idaho	Or.	Oregon
Ill.	Illinois	Pa.	Pennsylvania
Ind.	Indiana	R. I.	Rhode Island
Kan.	Kansas	S. C.	South Carolina
Ky.	Kentucky	S. D.	South Dakota
La.	Louisiana	Tenn.	Tennessee
Mass.	Massachusetts	Tex.	Texas
Md.	Maryland	U.	Utah
Me.	Maine	Va.	Virginia
Mich.	Michigan	Vt.	Vermont
Minn.	Minnesota	W. Va.	West Virginia
Miss.	Mississippi	Wash.	Washington
Mo.	Missouri	Wis.	Wisconsin
Mon.	Montana	Wy.	Wyoming

# MESSAGES INCLUDED IN THE DIGEST

Period covered, October 1, 1905, to October 1, 1906. In many states when there is a change of governors a message or address is sent or delivered to the Legislature by both the outgoing and incoming governor. In the following, where messages by different governors are listed for the same or very near dates, the first is the message of the outgoing governor and the second that of the incoming.

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California.....	George C. Pardee.....	1 Je 06a	7	
Delaware.....	Preston Lea.....	2 Je 06b 31 My 06c	10	Corporation tax and election of senator
Georgia.....	J. M. Terrell.....	27 Je 06 10 Ap 06c	23 3	Primary law and appropriations
Illinois.....	Charles S. Deneen.....	18 Ap 06	3	Illinois Central tax
Iowa.....	Albert B. Cummins.....	8 Ja 06	24	
Kentucky.....	J. C. W. Beckham.....	2 Ja 06 13 Mr 06c	23	Tax on rectifiers
Louisiana.....	Newton C. Blanchard.....	14 My 06	51	
Maryland.....	Edwin Warfield.....	17 My 06 3 Ja 06	15 47	Life insurance
Massachusetts....	Curtis Guild jr.....	4 Ja 06 16 Ap 06 20 Ap 06	35 2 1	Insurance San Francisco earthquake
Mississippi.....	James K. Vardaman.....	23 Je 06	1	Merger of electric and steam railroads
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Pennsylvania.....	John M. Pattison.....	8 Ja 06		
Rhode Island.....	Samuel W. Pennypacker.....	15 Ja 06c	9	
South Carolina.....	George H. Utter.....	9 Ja 06	16	
Texas.....	D. C. Heyward.....	9 Ja 06	25	
Virginia.....	S. W. T. Lanham.....	26 Mr 06c	3	
Wisconsin.....	A. J. Montague.....	10 Ja 06	13	
	Claude A. Swanson.....	1 F 06	20	
	Robert M. LaFollette.....	5 D 05c	39	
United States....	Theodore Roosevelt.....	5 D 05 27 Mr 06 17 Ap 06 4 Je 06	56  2 2	Preservation of Niagara falls Life insurance Meat inspection

aProclamation convening Legislature in extra session on account of San Francisco earthquake and fire.

bMessage to extra session of Legislature called on account of San Francisco earthquake and fire.

cExtra session of Legislature.

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1906

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33	Amendment
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60	State institutions
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77	Legislature
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105	Legislative procedure
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160	Nominations. Parties
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no.

### ADMINISTRATIVE LAW

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770	Finance. Public property
774	Public lands
779	Buildings. Property and supplies
800	Taxation (general)
819	Assessment
825	Review. Equalization. Adjustment
829	Delinquent taxes. Tax sales. Redemption
833	Business taxes. Revenue, license or privilege taxes
836	Inheritance taxes
841	Corporation taxes
843	Banking institutions
844	Insurance companies
845	Transportation and transmission corporations
849	Budget
853	Accounts. Methods generally. Collection of moneys. Warrants
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870	Public order
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879	Amusements
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1020	Communicable diseases
1065	Nuisances (general). Miscellaneous health regulations
1090	Public safety
1092	Fires
1099	Buildings: sanitation and safety
1124	Miscellaneous
1144	Communicable diseases of animals
1180	Control of waters
1200	Transportation and communication
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1508	Warehouses. Markets
1630	Encouragement of industries

N. Y. STATE LIBRARY GOVERNORS MESSAGES 1906

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no.

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2700	Roads. Streets



## CONSTITUTIONAL LAW CONSTITUTIONS

### 15 CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

### 17 Boundary. Jurisdiction

- a N. J. Stokes. "I recommend the enactment of a law such as has been passed in other states, asserting the title of the state to all the waters and land under water for a distance of at least 3 nautical miles. This is important in view of the sale or lease of riparian grants along the coast, and because of the mooted jurisdiction of our state courts over transactions that occur along the coast beyond high-water mark, some decisions of the United States Supreme Court having held that such doubts disappear when the states' rights are asserted by expressed legislation." 9 Ja 06, p.12
- b N. Y. Higgins. Massachusetts-New York boundary line. 3 Ja 06, p.32-33

### 19 Statistics

### 21 Census

- a N. Y. Higgins. Special message recommending that provision be made for tabulating the census returns according to age, sex, color, nativity, occupation and school attendance. 29 Ja 06

## 30 Constitutions

### 32 Revision

- a R. I. Utter. ". . . I am convinced that it would be wise for us to effect a speedy change in our Constitution in certain particulars, and that the time to make such changes is before the necessity is so forced upon us as to endanger conservative action in making them. . . I believe that the best results would follow the amending of our present Constitution in such a way that a constitutional convention of the people could be held in unquestioned compliance with the law; and I believe, further, that this change should be proposed by the present General Assembly. . . If, however, it seems to the General Assembly that the time has not yet come for such a proposal as that suggested, I would urge the adoption at this session of a resolution to submit to the people an amendment to the Constitution placing upon the chief executive the duty of approving or disapproving all legislative acts; the duty known popularly as approval or veto. . ."

9 Ja 06, p.13-14

### 33 Amendment

See also 181, Ballots

- a N. Y. Higgins. "The practice is not to be commended of submitting numerous, disconnected and complicated constitutional amendments to popular vote, as in the case of four of the seven voted on, two years after their final approval by the Legislature, without the aid of an address to the people explaining their purpose and object. . ."

3 Ja 06, p.19

38

## Officers. Departments

Departments of agriculture are classified under Agriculture, departments of education under Education, etc.

- a **La. Blanchard.** "In my inaugural address I recommended to this General Assembly, at its first session, that action be taken on the line of relegating to the people the filling by popular vote of offices under the state government that were filled by appointment of the Governor. Much was then done in this direction. The Judges of the Supreme Court, theretofore appointed by the Governor, were made elective. The Register of the State Land Office and the Commissioner of Agriculture and Immigration, theretofore appointive, were made elective, the same as other state officers. So, also, vacancies occurring in the offices of district judge, district attorney, sheriff and clerk of court, which vacancies, when occurring, had theretofore been filled by appointment of the Governor, are now filled by election of the people at special elections called for the purpose. . . And when we shall have gone still further at this session and made assessors and parish school board members and other officials elective, we will have reasonably met, it is believed, the popular demand."

14 My 06, p.18-19

- b **U.S. Roosevelt.** "At various times I have instituted investigations into the organization and conduct of the business of the Executive Departments. . . I recommend that the Congress consider this subject with a view to provide by legislation for the transfer, distribution, consolidation and assignment of duties and executive organizations or parts of organizations, and for the changes in business methods, within or between the several departments, that will best promote the economy, efficiency and high character of the government work."

5 D 05, p.19-20

38(1

*Civil service examination*

- a **O. Herrick.** ". . . There should be no politics in our state institutions and I should be glad to see the enactment of a practical law that will lift above all partizan considerations and put upon a plane of fitness only those who administer the most sacred trust of the state."
- 1 Ja 06, p.9-10
- b **Pa. Pennypacker.** "A system of civil service for the commonwealth should be established under the terms of which the routine appointments may only be made after the ascertainment of qualifications and fitness, and providing for the retention of their offices by the incumbents during good behavior."
- 15 Ja 06, p.9
- c **Va. Montague.** "Comprehensive civil service regulations authorized by statute and applicable in the appointment and retention of all clerks in the offices of the Treasury Department would be a beneficial achievement. . . A system of civil service should also be extended to all employees of the penitentiary and insane hospitals. . ."
- 10 Ja 06, p.8

38(2

LOCAL

- a **Mass. Guild.** ". . . In certain localities the law is evaded, and, owing to the lack of a sufficient inspecting force, with impunity. In other localities, through lack of notification, the public are kept in ignorance of the civil service examinations. . . The successful result in Philadelphia of applying the civil service system to certain heads of departments suggests the advisability of considering a similar extension of the law throughout Massachusetts, if not also, as suggested by my predecessor, the extension of the law to all county officers. . ." 4 Ja 06, p.11-12
- b **O. Herrick.** "The merit system should be extended to all departments in the city government. . ." 1 Ja 06, p.22

38(8

*Salaries. Fees*

- a **Pa. Pennypacker.** "I recommend that the fees collected by the Secretary of the Commonwealth and the Insurance Commissioner be hereafter paid into the Treasury of the Commonwealth, and that a proper salary be paid to each of these officials as sole compensation. The continuance of fees, in whatever public office the system may survive, is a vicious anachronism." 15 Ja 06, p.9
- b **U. S. Roosevelt.** "I call your especial attention to the desirability of giving to the members of the Life-saving Service pensions such as are given to firemen and policemen in all our great cities. . ." 5 D 05, p.46

38(9

*Tenure of office. Discipline*

- a **Miss. Vardaman.** "I . . . urge upon you the necessity for more stringent laws which may be invoked by a suffering public to rid themselves of the incubus of an incompetent, drunken officer. . ." 3 Ja 06, p.25
- b **U. S. Roosevelt.** "There seems to be no statute of the United States which provides for the punishment of a United States attorney or other officer of the government who corruptly agrees to wrongfully do or wrongfully refrain from doing any act when the consideration for such corrupt agreement is other than one-possessing money value. This ought to be remedied by appropriate legislation. Legislation should also be enacted to cover, explicitly, unequivocally and beyond question, breach of trust in the shape of prematurely divulging official secrets by an officer or employee of the United States, and to provide a suitable penalty therefor. . ." 5 D 05, p.34-35
- c **U. S. Roosevelt.** "Heads of executive departments and members of the commission have called my attention to the fact that the rule requiring a filing of charges and three days' notice before an employee could be separated from the service for inefficiency has served no good purpose whatever. . . The rule has been amended by providing that where the inefficiency or incapacity comes within the personal knowledge of the head of

a department the removal may be made without notice, the reasons therefor being filed and made a record of the department. . ."

5 D 05, p.43

60

## State institutions

*See also* 335, Corrections; 2140, Charities; 2120, Education

63

## Supervision and administration

- a N. J. Stokes. "A conference of the heads of the various state institutions is held quarterly, or more frequently, at the discretion of the Commissioner of Charities and Corrections. At these conferences are discussed questions affecting the management of our institutions and the welfare of their inmates. New Jersey is unique among the states in this particular feature, which would seem to provide all the advantages of a state board of control without any of its weaknesses." 9 Ja 06, p.7-8
- b Va. Montague. "I renew my former recommendation respecting the creation of a board of charities and corrections. Such a board would be of little expense and of great service. . ."

10 Ja 06, p.5

67

## Public documents. Printing

- a Ia. Cummins. "The Secretary of State is of the opinion, and I fully concur with him, that there are more volumes of many of the reports printed and bound than are necessary. . . I recommend that your appropriate committees examine this subject, and amend the statute now in force, in accordance with the public need as shown by experience." 8 Ja 06, p.7
- b Ky. Beckham. "While much money has been saved to the state by reason of the change from the old system of electing the public printer to the present system of letting the contracts to the lowest bidders, there are nevertheless several defects in the present laws which you should correct. . . I believe it would be well for the board to be given the authority to employ at a reasonable salary some one trained and skilled in the [printing] business to aid the board. Numerous other changes in the law will be presented to you. . ."

2 Ja 06, p.15

77

## Legislature

79

### Election. Number. Apportionment. Vacancies

- a N. J. Stokes. "At the present time both bodies of our Legislature represent precisely the same constituencies. The House of Assembly, as now constituted, is practically another Senate composed of more members, with a one year term. . . Such a system invites machine domination. On the other hand, the system of Assembly districts provides a well defined constituency from whom each member receives his legislative authority, brings

him nearer to the people, makes him more responsible to the voters, gives the people a more convenient and direct voice in matters of legislation and accords more with the principles of representative government. . . ." 9 Ja 06, p.16-17

80

*Apportionment: general laws*

- a Pa. Pennypacker. "The time has come when a reapportionment of the state into senatorial and representative districts, in compliance with the command of the Constitution, must be made. The Constitution itself offers almost insuperable obstacles and can not in all of its details of method be followed. It must, therefore, yield in what is of least importance to such an extent as to permit an apportionment to be made. In construing the instrument, we must draw a distinction between the mandate to divide the state into districts, which is absolute and must be obeyed, and the method provided, which is directory only, and is not of the same fundamental importance. This method ought to be followed as closely as possible, but where the result can not otherwise be secured must be set aside. By dividing the lines of a few of the counties, a fairly equitable apportionment may be made, and one in accord with all of the other requirements."

15 Ja 06, p.7-8

88

*Special laws*

- a N. J. Stokes. "In the General Statutes, which include the year 1895, and in the pamphlet laws to date there are about 7000 acts. Of these over 1700, or about 25%, relate to municipal government. About 70% of the acts relating to the latter subject are for specific purposes in the guise of general legislation. Legal advisers find it easier to induce the Legislature to pass a law to provide for the wishes of their clients than to search the statutes to find an already existing law that will serve the same purpose. . . ." 9 Ja 06, p.5
- b N. Y. Higgins. "The Constitution provides that private and local bills shall not be passed in certain enumerated cases. Equally objectionable are bills granting corporate charters where the objects of the corporation could be obtained under general laws; bills legalizing bond issues, of which the number is increasing yearly; bills changing names of corporations; private claim and escheat bills; private bills legalizing acts of notaries public and other officers, and bills private or local in their purpose but general in form. Except in rare instances general legislation can be drafted to cover all proper cases. . . . The expense of passing private bills should be borne by the parties in interest and not by the state."

3 Ja 06, p.33

95

*Internal organization*

- a O. Herrick. "I desire to call attention to what I regard as extravagances in matters peculiarly within the control of the

General Assembly. The first of these is the employment of unnecessary attendants and assistants for taking care of the legislative halls, both during the session and after its adjournment. . . . Another is that for postage, telegraph and telephone bills. . . . Another item of expense recurring at each session which, in the interest of economy and public service, ought not to be allowed hereafter is the appropriation of thousands of dollars at each session for printing Howe's *Historical Collections* for free distribution among the members of the two houses. . . . Still another unnecessary expense long sanctioned by legislative custom is that occasioned by the visits of the various committees of the General Assembly, together with their attachés and invited guests, to state institutions or elsewhere in the supposed public interest at the public expense. . . ."

1 Ja 06, p.10-11

99

### Lobbying

- a Md. Warfield. "Lobbying is an evil and corrupting influence that has justly aroused the antagonism of all good citizens. You should take prompt and drastic steps to suppress this evil and to compel those engaged in the nefarious occupation to keep out of the legislative halls. . . ."
- b O. Herrick. ". . . I recommend the enactment of such a law, or the adoption of such rules, as will free the Legislature and the legislative halls forever from the presence of the lobby, and especially of those who represent private interests. Of course, the privileges of the floor of either house should not be extended to any persons except members of the General Assembly, employees thereof, heads of state departments and accredited representatives of the press; but, in addition to this, the halls, smoking rooms, corridors and committee rooms adjacent to either chamber should not be invaded or used at any time except by those actually engaged in work of or for the General Assembly, and by those who come to participate in public hearings of legislative committees."
- c U. S. Roosevelt. ". . . Not only should both the national and the several state Legislatures forbid any officer of a corporation from using the money of the corporation in or about any election, but they should also forbid such use of money in connection with any legislation save by the employment of counsel in public manner for distinctly legal services."

3 Ja 06, p.6-7

1 Ja 06, p.18

5 D 05, p.20-21

100

### Officers and employees

- a Md. Warfield. ". . . The compensation and mileage paid in 1904 to members and employees amounted to \$185,552.55, which is a very much greater amount than was expended for similar purposes by any previous Legislature. This scandalous and reckless squandering of the people's money can not be justified.
- Another legislative custom which is wrong and pernicious is the passing of orders, in the rush and heedlessness of the closing

hours of the session, giving extra pay to favorite officers and employees and gratuities to persons not employed by either house. This is a species of graft which should not be tolerated."

3 Ja 06, p.4

**105 Legislative procedure**

**108 *Enrolling. Engrossing. Printing***

- a Md. Warfield. ". . . You should abolish this old custom of enrolling bills after they have been passed, and adopt a new method of procedure in handling bills which will expedite legislation and do away with the necessity of appointing additional engrossing clerks to enrol bills after the Legislature has adjourned."

3 Ja 06, p.5

**109 Financial procedure**

- a O. Herrick. "The practice of the executive heads of the various state institutions putting themselves in the attitude of lobbyists in order to secure their appropriations ought to be discontinued. Their duty is done when they make up their estimates and appear before the finance committees to urge the allowance of what they believe is necessary for the maintenance or improvement of the institutions they represent. . ."

1 Ja 06, p.17-18

**113 Sessions**

- a O. Herrick. "My observation has been that if the General Assembly would devote five days in the week to legislative business it would be pleasing to their constituents, shorten the session and save expense."
- b S. C. Heyward. "At the general election of 1904 an amendment to the Constitution providing for biennial sessions of the General Assembly was submitted to the people and was adopted. A committee was appointed from both houses at your last session to report what amendments to the Constitution and statutes of the state will be necessary and proper to provide for such sessions. I trust you will act upon the report of this committee, in order that the amendment may become effective as soon as possible."

9 Ja 06, p.23

**116 Citizenship. Civil and political rights**

**118 Naturalization**

- a U. S. Roosevelt. "The distinguished recommendations of the [Naturalization] Commission are:

First. A federal bureau of naturalization, to be established in the Department of Commerce and Labor, to supervise the administration of the naturalization laws and to receive returns of naturalizations pending and accomplished.

Second. Uniformity of naturalization certificates, fees to be charged, and procedure.

Third. More exacting qualifications for citizenship.

Fourth. The preliminary declaration of intention to be abolished and no alien to be naturalized until at least 90 days after the filing of his petition.

Fifth. Jurisdiction to naturalize aliens to be confined to United States district courts and to such state courts as have jurisdiction in civil actions in which the amount in controversy is unlimited; in cities of over 100,000 inhabitants the United States district courts to have exclusive jurisdiction in the naturalization of the alien residents of such cities."

5 D 05, p.34

126

## Elections. Political parties

*See also* for term of office, vacancies etc. the various officers under state and local government

149

## Corrupt practices. Election offenses

- a Md. Warfield. Recommendation for the passage of a stringent corrupt practices act renewed. 3 Ja 06, p.7
- b Mass. Guild. ". . . I suggest for your consideration the extension of the corrupt practices act; some limitation on the total amount to be spent by any candidate; a more stringent penalty, which should be strictly enforced, for those who fail to file election expenses; the voiding of an election where deliberate and serious violations of the provisions of the act are proved against the successful candidate; and finally, the absolute prohibition of contributions from corporations in campaigns, either for nomination or election." 4 Ja 06, p.10
- c N. J. Stokes. "I would amend the bribery laws by limiting the penalties for their violation to disfranchisement for a term of years, according to the number of the offenses committed. If offenses against the bribery laws were punishable by disfranchisement and the consequent disgrace, I believe they would be just as effective as imprisonment and conviction would be more easily secured. If this punishment did not prove effective, a second offense should be punished by imprisonment as well as disfranchisement. I would provide that the informer, whether he be the bribe giver or the bribe taker, should be exempt from punishment. No man would take the risk of purchasing a vote with the knowledge that the purchased voter could at any time escape punishment by betraying him, and few bribe takers would be willing to trust the bribe giver lest they be likewise betrayed . . . To these suggestions add publicity in connection with election expenses. There are some legitimate expenses. These should be defined by law and the candidates and their agents, likewise defined by law, should be compelled to render an accounting of the money expended and for what purposes. I recommend



the English and Massachusetts corrupt practices acts for elections, caucuses and primaries as the basis of legislation on this subject."

9 Ja 06, p.19-20

- d N. Y. Higgins. ". . . The object of [corrupt practices acts] is meritorious and meets my cordial approval. . . I recommend to your careful study the operation of such laws in other jurisdictions." 3 Ja 06, p.17
- e O. Pattison. ". . . All political assessments made upon canal employees or any other employees of the state should be prohibited in the future by proper legislation . . . Let me recommend that you appoint a committee to ascertain the assessments made or collected from all the officers and employees of the various departments and institutions of the state." 8 Ja 06, p.10
- f O. Pattison. ". . . The man who buys a vote as well as the man who sells his vote should be forever disfranchised or certainly disfranchised for a number of years. In such laws as you enact there should be provisions making it obligatory on the part of a candidate for any city, county or state office, from the lowest to that of the chief executive, to file an itemized statement of all his receipts and expenditures, of any and all moneys given, of gifts or promises made directly or indirectly by him or by any one for him. . . ." 8 Ja 06, p.17
- g Pa. Pennypacker. "There ought to be a legal designation of the purposes for which moneys may be expended in political campaigns and in securing nominations, and the committees and managing authorities of political parties should be required to file after each campaign, with some designated official, a statement, under affidavit, showing in detail the sums which have been expended and the purposes for which the expenditures were made." 15 Ja 06, p.9
- h U. S. Roosevelt. Renewal of recommendation as to bribery and publicity of campaign expenditures. 5 D 05, p.20
- i Va. Montague. "I would recommend the permanent disfranchisement of any voter who sells his ballot for money or place or any other valuable consideration, without limitation of time within which prosecution may be instituted." 10 Ja 06, p.10

154 Corporation funds

- a Md. Warfield. "Corporations should be prohibited from making contributions to political parties or to individuals to be used to influence elections." 3 Ja 06, p.8
- b N. Y. Higgins. ". . . I recommend that the making of political payments by corporations be made a penal offense and that all officers and agents of such corporations knowing or approving thereof be subject to fine and imprisonment." 3 Ja 06, p.18
- c U. S. Roosevelt. "All contributions by corporations to any political committee or for any political purpose should be forbidden by law. . . ." 5 D 05, p.20

- d Va. Montague. "I would urge legislation not only prohibitory of all campaign contributions by corporations, but of the right of doing business by any corporation which makes any contribution, directly or indirectly, in or without the state, for the purpose of influencing any election in this state, primary or regular. . ."

10 Ja 06, p.9

158

**Payment of tax or fee**

- a Va. Montague. "A comprehensive statute forbidding the payment of capitation taxes by others than the individual assessed should be enacted."

10 Ja 06, p.10

160

**Nominations. Parties**

- a Ill. Deneen. Message to extra session recommending that a primary law be passed to take the place of '05 p. 211, declared unconstitutional by the Supreme Court.

10 Ap 06

- b O. Herrick. ". . . I recommend that the primary election laws be overhauled and so amended as, first, to make the primary elections compulsory; second, to insure their honesty by the same methods as protect general elections; third, to have them conducted by the regular election officers of the county and precinct; fourth, to have all primaries held on the same day, so that one party can not, through its irresponsible members, nominate another party's ticket; and, fifth, to conduct them at the public expense, and forbid any aspirant for office to pay an assessment for the privilege of submitting his claims for a nomination to the people."

1 Ja 06, p.19

- c O. Pattison. "In order that the voters of Ohio may retain a representative government it is necessary that some provision should be established, if possible, making it a condition for a man's vote to be counted on election day, that he shall show a certificate that he was present and voted at the primary election preceding such general election. There should be some uniform law in reference to the selecting of candidates by all parties, and this should be by primary elections all held at the same time. What is known as the Dana law, which was passed to prevent the people of the state from expressing their opinions at the polls, should be repealed."

8 Ja 06, p.17

- d Pa. Pennypacker. "Legislation ought to be enacted which will require the primary elections of all political parties within the commonwealth to be held on the same day, at the same time, under the supervision of properly constituted officers."

15 Ja 06, p.9

- e Tex. Lanham. Message to extra session recommending amendment of laws of 1905, extra session, chapter 11, section 120, relating to apportionment of vote cast at primaries to candidates for state and district offices at nominating conventions.

26 Mr 06

- f Va. Montague. ". . . Not only should the expense, which is not a large item, for the conduct of the primary be borne by the state, but what is of far more importance, the selection of

judges of election should be legally provided for in a way to secure their unquestionable impartiality and fidelity. . ."

10 Ja 06, p.9

160(3)

**Direct Nominations**

- a **Ia. Cummins.** "In my last biennial message I stated at some length my views upon primary elections. . . I then said that as between nominations by a mere plurality and nominations by conventions, I was inclined to favor the latter. . . Further study, reflection and observation have convinced me that we must either accept the primary system, in so far as it is applied with direct nominations, as a whole or the convention system as a whole. With these alternatives before me, I have no hesitation in declaring that I am for the primary system of nominations by plurality, rather than of nominations by conventions. If there were any practicable plan through which the voters could work out their second choice, I would gladly indorse it, but after giving to the subject all the thought of which I am capable, and giving to the laws of other states the most exhaustive study, I am unable to discover any workable arrangement through which the voters can express their second choice. . . The dominant party in this state has, in many counties, recognized the supremacy of the voter, and has established county primaries for the nominations of county officers. I doubt whether a single county could be induced to return to the old plan. . .

First. The law should provide for the nomination by direct vote of all candidates for all offices filled by the voters and the office of senator in the Congress of the United States.

Second. It should provide a primary election for all political parties, to be held at the same place and time.

Third. It should provide that the person receiving the highest number of votes for any particular office should be the nominee of the party for such office.

Fourth. It should provide that every voter, if he votes at all, should vote the ballot of the party with which he is affiliated. . ."

8 Ja 06, p.11-14

- b **La. Blanchard.** "In my inaugural address before you, two years ago, I discussed the question of primary elections to nominate candidates for office. . . I now renew and emphasize this recommendation. The new statute should require party nominations for office to be by primary election. It should carefully provide that none but bona fide adherents and supporters of the party holding the primary should be eligible to vote thereat. . ."

14 My 06, p.27-28

- c **Md. Warfield.** ". . . A primary election law should be passed for the whole state, and it should provide that aspirants for state offices should have the right to submit their candidacy to a direct vote of the people. The system of nominations by a direct vote has worked well in Virginia and Wisconsin and in the city of Baltimore. . ."

3 Ja 06, p.10

- d N. Y. Higgins. ". . . The new method [of direct nominations] as at present developed has grave faults as well as attractive features and a careful consideration of the effect of primary laws of other states should precede any attempt to model legislation thereon. . . ." 3 Ja 06, p.18
- e O. Herrick. "I am earnestly in favor of the nomination of all county, municipal and other local officers by a primary election. I believe that conventions for such purposes should be abolished and that all aspirants for office should have an equal opportunity to be nominated by a direct vote of the people" 1 Ja 06, p.18-19
- f Wis. LaFollette. Various minor changes recommended in law of 1905 providing for direct nominations. 5 D 05, p.18
- g Wis. LaFollette. ". . . Whatever of honest criticism came out of the administration of the new statute [for direct nominations] in the municipal elections was directed against that provision of the law which admits of plurality nominations. . . . It will be urged by those who would break down the principle of nominations by direct vote of the citizen that, since the primary election law permits plurality nominations, it should be so changed as to provide for the election of delegates to conventions and that delegates so elected should make nomination in every case where a candidate fails to get a majority vote under the primary election. . . . We have but to turn to the country from which we took the Australian ballot for our lesson. Since 1892 the elector there has enjoyed the right to use what is called the "contingent vote." This is simply the "order of preference" called into play to assert the principle of election by absolute majority. This plan provides a ballot upon which the elector marks his first and second choice or "order of preference." Where but two candidates are in the field there is no occasion for the exercise of the second choice in order to insure a majority nomination, but where there are three candidates, or more than three candidates, the ballot provides opportunity for the delegate to indicate his second choice. If, after the ballots are counted, no candidate has an absolute majority of first choice votes, then the ballots cast for the candidate receiving the least number of votes on the list are assorted with reference to second choices for the remaining candidates. If no one then receives a majority of first and second choice ballots, a similar assortment of the ballots of the lowest remaining candidates is made on the basis of second choices and added to the votes of other candidates and so on until some candidate has a majority of first and second choice. . . ." 5 D 05, p.19-20

170

**Districts. Notices. Days**

171

**Days. Hours**

- a O. Herrick. ". . . This [constitutional] amendment provides that hereafter the election of all state and county officers

shall take place in the even numbered years, while the election of all municipal, township and school officers shall take place in the odd numbered years, and authorizes the General Assembly to pass such legislation as will adjust existing terms of office to the new order of things and carry into effect this mandate of the people as expressed in their organic law. The result of this amendment will be to completely separate municipal and other purely local elections from state and county elections and to bring these two classes of elections upon alternating years. . ."

1 Ja 06, p.19

175

### Ballots. Voting

- a Wis. LaFollette. "Chapter 522 of the laws of 1905 provided for the use of the pocket ballot and coupon voting system. . . Its passage through the Legislature was only effected by incorporating as a part of it a referendum proposition to submit it to a vote of the people. . . It found some support because of a general complaint respecting the size and arrangement of the present ballot. It is doubtful if it is in safe form to go upon the statutes if it were to become a law. By its terms it is questionable whether a voter would not be permitted to take an official ballot from the booth and establish an endless chain with some party outside, to manipulate the whole ballot, throughout the entire election. . . It may well be questioned whether instead of this new scheme of ballot it would not be better to give the people of Wisconsin the Australian ballot in form more nearly after the original than our present blanket sheet. . . I would commend to your consideration such changes as shall insure a greater freedom of individual expression. . ."

5 D 05, p.24-25

181

### Form

- a Md. Warfield. ". . . I believe that the restoration of the emblem and the grouping of the candidates of each party under separate headings and emblems would be a step backward for Maryland, and accepted as an encouragement of the ignorant, thoughtless and partizan voter."

3 Ja 06, p.9

187

### Registration

- a Pa. Pennypacker. ". . . I again recommend that you pass a proper act providing for [personal] registration."

15 Ja 06, p.8

188

### Boards. Officers

- a La. Blanchard. "The assessors are now the registrars of voters in their respective parishes. While you are making assessors elective, you should consider the advisability and desirability of separating the office of registrar of voters from that of assessor. I need not say more. The reasons for this separation will readily occur to you."

14 My 06, p.25

200

**CRIMINAL LAW**

Penal Code and Code of Criminal Procedure

202

**Criminal Procedure**

For recommendations applying both to civil and criminal procedure *see* 695, Civil procedure

- a **Ky. Beckham.** "You could do no greater service for your constituency than to make more effective, more certain and swifter the administration of your laws against crime. . . If the accused, no matter how guilty, is possessed of means or influence he can, with the assistance of able counsel, delay unreasonably, and frequently prevent, the punishment that is due him. . ."
 

2 Ja 06, p.19-20
- b **U. S. Roosevelt.** "In my last message I asked the attention of the Congress to the urgent need of action to make our criminal law more effective. . . Some antiquated and outworn rules which once safeguarded the threatened rights of private citizens, now merely work harm to the general body politic. . . The criminal process of any court of the United States should run throughout the entire territorial extent of our country. The delays of the criminal law, no less than of the civil, now amount to a very great evil."
 

5 D 05, p.34

226

**Expenses. Costs. Fines**

- a **Ky. Beckham.** Attention again called to excessive expense to the state in the cost of criminal prosecutions.
 

2 Ja 06, p.21-22

227(5)

*Imprisonment for nonpayment*

- a **Md. Warfield.** "Much of my time is taken up by cases, generally trivial in their character, of persons who have been sent to jail by police magistrates in Baltimore City in default of payment of fines for assaults or violation of city ordinances. . . I ask that you relieve the Governor from the hearing of all such cases by amending section 3 of article 38 of the Code of Public General Laws, by giving the court or magistrate the power to designate the time of imprisonment, basing the same on the amount of fine imposed, instead of the minimum of 30 days for a fine of \$50 or under. Now, a man whose offense merits a fine of only \$1 has to serve as long as the man who is fined \$50."
 

3 Ja 06, p.33-34

228

**Sentences**

*See also* 363, System of sentencing and reform

229

*Death penalty*

- a **Ky. Beckham.** "I recommend that you provide that all executions of the death penalty be done in the Frankfort penitentiary. The hanging of a man in the community where he is tried pro-

duces a sensation, a nervousness and excitement upon the part of the people, and it has a brutalizing effect upon the large numbers, in spite of the law, who witness it." 2 Ja 06, p.21

230

## Jury

*See also 726, Civil procedure*

- a Ky. Beckham. "I suggest as one remedy that you adopt the practice followed in the federal courts, and by most of the states in their courts, and provide that in the trial of any offense, the jury shall merely pass upon the guilt or innocence of the defendant, and if found guilty that the court shall fix the penalty, subject, of course, to the limitations prescribed by law. This would reduce at least half of the number of hung juries, for it is undoubtedly true that the majority of the juries which disagree do so upon the question of the amount of the penalty to be imposed and not upon the question of guilt or innocence. . ." 2 Ja 06, p.20

231

## Challenge

- a Ky. Beckham. "I recommend that you reduce at least half the number of challenges allowed the defendant in the formation of the jury. The large number of challenges now given him is frequently used to get upon the jury some professional bystander, who is unfit for the service." 2 Ja 06, p.21

234

## Crimes and offenses

262

### *Weapons*

- a Ky. Beckham. "In the matter of carrying concealed deadly weapons, a misdemeanor so fruitful of felonies, I advise that you amend the law in such a way as to increase the penalty beyond the reach even of executive clemency, and I shall show how it may be done. . . . As the law now is, when the Governor grants a pardon for any part or all of the penalty, the applicant has to pay to the state a tax of \$4 on the pardon, which the Governor can not remit. I advise that you increase that tax to at least \$100, and when you do so you can rest assured that there will be a wonderful reduction in the number of pistols carried." 2 Ja 06, p.21
- b O. Pattison. "Some laws should be enacted to prevent the indiscriminate sale of revolvers and pistols. . . . No such instruments of death should be purchased or sold except with the approval of some probate or common pleas judge residing in the county, and any one purchasing a revolver after having received such a permit should pay a license of \$5 a year during the continuance of said permit, which permit should be for one year only." 8 Ja 06, p.20

286

*Rape*

- a **Miss. Vardaman.** Penalty for rape should be death.  
3 Ja 06, p.24-25

312

*Burglary*

- a **O. Herrick.** "The State Board of Pardons reports that during the last two years a very large portion of the cases submitted to it are of persons convicted under section 6835 of the Revised Statutes for burglarizing uninhabited buildings. This section provides a minimum sentence of five years for such an offense, and in a majority of the cases it has been found that the law is too severe. . . I suggest that the minimum sentence for this offense should be changed to one year."  
1 Ja 06, p.24

335

**Corrections***See also 60, State institutions; 2140, Charities*

- a **Ky. Beckham.** Members of Board of Prison Commissioners should be appointed, in place of being elected by the Legislature.  
2 Ja 06, p.8
- b **Miss. Vardaman.** Criticizes management of penitentiary and treatment of convicts, and renews recommendation for abolition of Board of Control and substitution of a single officer.  
3 Ja 06, p.8-14

341

**State prisons**

- a **O. Herrick.** ". . . It is a recognized fact that a new penitentiary is needed. A new site should be secured as soon as possible. . . In the last report of the board of managers it has recommended that the offices at the penitentiary of chief physician, assistant clerk, superintendent of piece price, superintendent of transfers and halls be abolished and their duties combined with those now performed by other officers. . . The suggestion should be followed."  
1 Ja 06, p.12-13
- b **Va. Montague.** Certain improvements in penitentiary recommended.  
10 Ja 06, p.4

343

**Reform schools and reformatories**

345

*Institutions for women and girls*

- a **Ia. Cummins.** "I am in favor of a separate reformatory for women and girls. . ."  
8 Ja 06, p.17
- b **Va. Montague.** "We need a reformatory for incorrigible girls, and the state should cooperate with some charitable or benevolent organization in the maintenance of such an institution, just as she now does in the support of the reformatory for boys at Laurel."  
10 Ja 06, p.5

346

*Reform schools*

- a **S. C. Heyward.** "The bill to establish an industrial school and reformatory was defeated at the last session of your body because



you failed to agree upon minor differences which developed during the discussion of this measure. I trust that at this session these differences may be adjusted and the school established, for I feel that much good would be accomplished by such a reformatory."

9 Ja 06, p.24

347

#### *Reformatories*

a Ia. Cummins. "I am most heartily in favor of the plan for the division of our convicted criminals, making the institution at Anamosa a reformatory for men and boys and the institution at Fort Madison the penitentiary for the more hardened and habitual criminals."

8 Ja 06, p.17

b N. Y. Higgins. "Your attention is directed to what seems an anomalous condition in regard to our laws regulating the punishment of boys 16 years of age and over, convicted of misdemeanors. No class needs reformatory treatment and trade instruction more than these boys, of whom some ten thousand are committed annually to jails and penitentiaries, because no other provision is made for them. Youthful male felons may be sent to Elmira; boys under the age of 16 may be sent to Randall's island or Rochester. . . The county penitentiaries might be taken under state control and one or more of them utilized for this purpose . . ."

3 Ja 06, p.32

354

#### *Convict labor*

a N. J. Stokes. Attention called to the suggestion of the Commissioner of Charities and Corrections "that some of the proceeds of the labor of the prisoners be devoted to the support of their unfortunate families."

9 Ja 06, p.8

358

#### *Roads*

a Va. Montague. "My former recommendation made in two several messages for the utilization of convicts, either in the preparation of road material or in actual road building, I repeat. . ."

10 Ja 06, p.12

b Va. Swanson. "At once, as far as existing contracts will permit, the convicts in our penitentiary should be utilized upon our public roads. Many can profitably be employed by the counties in working directly upon the roads. Others, it seems to me, could be used with great advantage in crushing and preparing rock in quarries located in the different sections, owned and operated either by the state or counties. . ."

1 F 06, p.15

360

#### *Special industries*

a Va. Montague. "The use of convicts in the Capitol square is poor economy, and their presence in prison garb, in full view of strangers and children, is at once forbidding and humiliating, and long practice in this respect should not be invoked for the continuance of a custom so revolting."

10 Ja 06, p.4

363      **System of sentencing and reform**For remission of fines *see* 226370      *Indeterminate sentence*

- a    Ia. Cummins. "I again urge upon you the adoption of the indeterminate sentence for many of the crimes recognized by the law. . . ." 8 Ja 06, p.17

371      *Juvenile offenders**See also* 346 Reform schools

## 371(3)      JUVENILE COURTS. JUVENILE PROBATION

- a    Ia. Cummins. Amendment of juvenile court law recommended. 8 Ja 06, p.23

372      *Parole*

- a    Va. Montague. "The system of parole pardons should be supplemented by such legislation as will enable the authorities to be periodically apprised of the conduct of the released convicts. Without such a continuous record the present system is defective." 10 Ja 06, p.4

373      *Pardons*

- a    Md. Warfield. "The Governor should be relieved from the personal hearing of pardon cases. The hearing and investigating of them could be very wisely lodged with a commission or a law clerk, who could report the findings and make recommendations for the final action of the Governor." 3 Ja 06, p.33

375      **CIVIL LAW**

Civil Code and Code of Civil Procedure

377      **Property**396      **Record***See also* 2407, County records

- a    Md. Warfield. "I agree with the Auditor that it is very important that some legislation be had requiring the recording, in the office of the Register of Wills, of the payment of the collateral inheritance tax upon real estate, so that the title to such real estate can be readily proven." 3 Ja 06, p.42

453      **Contracts and other obligations***See also* 787, Contracts and supplies (public); 2113(5, Employment463      **Interest. Usury**

- a    Miss. Vardaman. "I recommend that the contract rate of interest on money be reduced to 8%—that being as high rate as any

legitimate business can afford to pay, good public policy permit, or conscience consent to." 3 Ja 06, p.31

474

## Family

496

### Support of family

- a Ia. Cummins. The adoption of a rigid criminal statute on family desertion recommended. 8 Ja 06, p.23

500

## Corporations

*See also* 841, Corporation taxes; 1200, Transportation; 1679, Banking; 1732, Insurance; 2627, Municipal utilities

- a Md. Warfield. ". . . Among the changes proposed by the [Corporation] Commission, the following are the most noteworthy:  
First. Corporations are permitted to be formed under the general law for any lawful purpose, thereby doing away, so far as the Constitution permits, with any resort to the Legislature for special privileges. . .  
Second. . . . Under the proposed law, an ordinary business corporation, after the year 1906, will no longer be taxed on its shares, but will be assessed upon its property, real and personal, just as an individual owner would be.  
Third. The existing method of condemnation by corporations having the right of eminent domain is radically changed. The sheriff's jury is abolished, and hereafter such condemnations will be judicial proceedings. . . ." 3 Ja 06, p.17-18
- b U. S. Roosevelt. ". . . Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by state action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is coextensive with the field of work of the corporations—that is, by the national government. I believe that this regulation and supervision can be obtained by the enactment of law by the Congress. . . ." 5 D 05, p.3

589

## Combinations and monopolies

- a Ia. Cummins. Recommends prohibition of practice of lowering the price of oil in a particular locality sufficiently to destroy a competitor who has established a rival business in that locality. 8 Ja 06, p.22
- b U. S. Roosevelt. ". . . What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition, but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public." 5 D 05, p.4

590

## Administration of justice

600

## Courts

Names and general organization of courts vary greatly in different states. Courts are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries.

602

## Court records

- a **R. I. Utter.** "Especial attention is invited to a recommendation in the annual report of the Commissioner of Records relative to providing fireproof depositories for valuable court papers now held in the several counties of the state. . ." 9 Ja 06, p.13
- b **Va. Montague.** "I renew my recommendation that commonwealth's attorneys be required to report at least quarterly to the Attorney General the style of every cause, civil or criminal, to which the commonwealth is a party, together with the disposition of each cause; if continued, the reasons therefor, and if concluded, the judgment therein. . ." 10 Ja 06, p.8

605

## Supreme courts

Including only those highest in state of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

- a **Ga. Terrell.** "The crowded condition of the docket of our Supreme Court is a serious menace to the general business interests of the state. . . In a few years, should no remedial legislation be enacted, we are almost sure to witness the spectacle of a majority of the cases brought to a term of our Supreme Court being affirmed by operation of law on account of the inability of the court to hear and determine the same in the time required by the Constitution. . . We should establish an additional court of review to be known as the Court of Appeals. This court should have exclusive and final jurisdiction in all cases originating in all courts other than the superior courts, and in all misdemeanor cases, irrespective of the courts in which such cases are tried. The Supreme Court alone should have final jurisdiction over constitutional questions. . . An examination of the present docket shows that a Court of Appeals, as above outlined, would relieve the Supreme Court of about 40% of the business. . ." 27 Je 06, p.5-8

609

## Intermediate courts

For officers and judges *see* 657-04; *see also* 371 (3, Juvenile courts; 373, Pardons

- a **Ky. Beckham.** "There is much complaint in some parts of the state over the crowded dockets in the Circuit Courts. . . It may be necessary in one or two instances to create a new judicial district. I suggest as one means to greatly improve the condition . . . and it is that a law be passed permitting . . .

the circuit judge to call a spécial term of the court at any time and have a special judge appointed to hold it, even at such times when the regular judge is holding court in some other county of the district. . . .” 2 Ja 06, p.22

- b **Miss. Vardaman.** Number of Circuit and Chancery Court districts should be increased. 3 Ja 06, p.23

- c **S. C. Heyward.** “In increasing the number of judicial circuits in the state I understood it to be your intention to abolish the holding of special courts for the transaction of civil business. . . . I recommend that you make no appropriation for special courts, and, in addition to this, that the law creating them be repealed.” 9 Ja 06, p.20

## 657 Court officers

### 668 Judges

- a **Miss. Vardaman.** Salary of Chancery and Circuit Court judges should be increased. 3 Ja 06, p.23-24

## 665 Civil procedure

Including such provisions as apply both to civil and criminal cases.

## 726 Jury. Verdict

### 730 Qualifications. Drawing. Impaneling

- a **N. J. Stokes.** “. . . Jury duty should not be the reward of political service nor be made a means of political patronage. . . . The professional juror has no part in a system of justice. . . . Last winter the Hudson County Bar Association . . . suggested that two lists of jurors be kept, to be designated respectively a grand jury list and a petit jury list, with a card index of names and numbers; that each name upon the jury list be designated by a number, and that in the drawing of grand juries and petit juries by law each paper shall contain only the number in lieu of the name which it designates on the jury lists. This would seem to reduce to a minimum any chance of favoritism in the selection of jurors. I would suggest, however, that the judge of the Court of Common Pleas be made the determining party in the selection of the panel. . . .” 9 Ja 06, p.14-15

## 739 Special actions

### 749 Writs: certiorari, injunction, mandamus, quo warranto, scire facias

- a **U. S. Roosevelt.** “There has been demand for depriving courts of the power to issue injunctions in labor disputes. Such special limitation of the equity powers of our courts would be most unwise. . . . The remedy is to regulate the procedure by requiring the judge to give due notice to the adverse parties before

granting the writ, the hearing to be ex parte if the adverse party does not appear at the time and place ordered. . ."

5 D 05, p.12

750

## ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code.

770

## Finance. Public property

*See also* 2237, School finance; 2550, Local finance

774

## Public lands

*See also* 2240, School lands

777

## Deeds. Titles

- a La. Blanchard. Scrip entries of public lands. 14 My 06, p.33

778

## Tide, shore and swamp lands

- a N. J. Stokes. ". . . Riparian lands constitute a natural monopoly, as the supply is fixed and the demand, therefore, is increasing with increasing population. I renew my recommendation of last year that the Legislature provide in some practical way that these lands may not be disposed of in the future in fee simple, but shall be leased on rentals which at proper periods may be readjusted on a fair basis of increased value." 9 Ja 06, p.11

779

## Buildings. Property and supplies

780

## Buildings and grounds

- a Va. Montague. Certain improvements in Capitol and executive mansion recommended. 10 Ja 06, p.3-4

781

## Capitol

- a Miss. Vardaman. Old Capitol and grounds. 3 Ja 06, p.25-26  
b Wis. LaFollette. '05 ch. 516 providing for erection of a Capitol building should be carefully revised. 5 D 05, p.4-8

782

## Executive mansion

- a Miss. Vardaman. "If the state is to continue the policy of providing a home for the Governor (the wisdom of which I very much question), there should be an appropriation made by the Legislature of an amount of money necessary to repair, equip and maintain the home. . . ." 3 Ja 06, p.30  
b O. Herrick. ". . . If the finances of the state will now permit, I recommend that an appropriation of not more than \$100,000 be made for the erection or purchase of [a Governor's] residence." 1 Ja 06, p.26

784 **Property and supplies generally**787 *Contracts and supplies*

- a O. Pattison. "The custom of certain officers giving what might be thought insignificant gifts, such as fountain pens, stationery and other similar articles, and paid for from the people's money, without their consent and without the authority of the law, is wrong and should be stopped. If necessary, I suggest the enactment of some laws to prevent the continuance of this custom."

8 Ja 06, p.20

790 *State institutions*

- a O. Herrick. "I now again recommend and urge the enactment of a law making it mandatory upon all those in charge of the state institutions to purchase their supplies, so far as practicable, in the open market under competitive bids. . ."

1 Ja 06, p.10

800 **Taxation (general)**

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which strictly belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing.

- a N. Y. Higgins. "I recommend that a commission . . . be provided, whose duty shall be to inquire into the subject of assessment and taxation for state and local purposes. . ."

3 Ja 06, p.8

807 **Separation of state and local taxation**

- a La. Blanchard. "The object aimed at should be the eventual separation of state and parish taxation, giving to each of these political divisions its own subjects of taxation and its own assessment machinery. . ."

14 My 06, p.23-24

- b O. Herrick. "The 75th General Assembly adopted the policy of removing from real and personal property all state taxes for general revenue purposes, leaving only the levy upon the grand duplicate of 1.35 mills for the use of sinking fund, the common school fund and the university fund. This was a reduction from 2.89 mills, and if the recommendations I have made with respect to the sinking fund levy are adopted by the General Assembly, the total levy for state purposes may be still further reduced to 1.29 mills on the dollar."

1 Ja 06, p.6

808 **Taxation of personal property***See also 823, Assessment*809 *Money and securities**See also 841, Corporation taxes*

- a Cal. Pardee. Recommends a constitutional amendment repealing Constitution, article 13, section 5, which prohibits contracts for the payment of the tax on the mortgage by the borrower.

1 Je 06, p.6

819

**Assessment**

- a **Ky. Beckham.** Proclamation calling extra session and recommending restoration of power of State Auditor to proceed against persons who have not made a fair return of their property.

13 Mr 06

- b **La. Blanchard.** "With regard to assessors I recommend three things, and they should be linked together:

1 The election of assessors by the people of the parishes respectively in which their duties are to be performed, including the parish of Orleans, one assessor for each municipal district of the city.

2 That the police juries of the parishes and the city council of New Orleans be given authority to sit as boards of reviewers to equalize assessments as between individual property holders, or taxpayers, in their respective jurisdictions.

3 That a state board of equalization of assessments be provided for, to the end of equalizing assessments as between the parishes—one parish with another parish, or one group of parishes with another group, or other groups. . .

In Louisiana assessors are now and have heretofore been distinctively state officials, their responsibility being direct to the state government. . . When, however, the assessor is made elective the practical result will be to change his status and his responsibility. . . Hence the necessity of a state board of equalization of assessments. . ."

14 My 06, p.19-20

823

**Personal property**

- a **Miss. Vardaman.** "I recommend the enactment of such laws as may be necessary to force the holders of solvent credits to list them for taxation to the extent that the functions of the courts should be withheld from the holders of such solvent credits in the enforcement of the payment thereof which had escaped taxation. . ."

3 Ja 06, p.20

- b **N. J. Stokes.** ". . . Apparently nearly \$500,000,000 of tangible personal property escapes the assessor. This is about 50% of the present assessed valuations of all property in the state, and, if assessed, should result in reducing the tax rates 33⅓% on the present basis of expenditure. . ."

9 Ja 06, p.26

- c **Va. Montague.** ". . . Some years since the state created officials called examiners of record, and one of whom in each judicial circuit must make assessments of all moneys, bonds, notes, stocks and every species of personal property under the control of the court, as well as of all watercraft over 5 tons burden. . . I advise the abolition of this new and unnecessary office and the reimposition of its duties upon the Commissioners of Revenue with rigid accountability of service."

10 Ja 06, p.7-8



**825 Review. Equalization. Adjustment**For equalization by states *see also* 800

- a **La. Blanchard.** “. . . It is the popular wish that all officials having to do with the assessment of property be made elective. I, therefore, recommend that you pass a joint resolution submitting an amendment to the Constitution making those members of the State Board of Appraisers chosen from the congressional districts elective by the people of such districts—one for each district to be chosen by the qualified voters of such district either at the general state election or at every alternate congressional election.”  
14 My 06, p.27
- b **N. J. Stokes.** “. . . In some states uniformity is secured by a state board or a county board making a complete valuation of all property at periods of from three to five years. . . The adoption of some such method as this in our own state is worthy of consideration.”  
9 Ja 06, p.27
- c **O. Pattison.** Municipal boards of review should be appointed by the mayor in place of the State Board of Appraisers.  
8 Ja 06, p.15-16
- d **Wis. LaFollette.** “. . . All doubt in the present law as to the authority of the commission to assess the property not upon the local tax rolls should be removed. But it is manifestly unjust that the commission, when increasing the valuation of the property of the state should, by so doing, impose additional burdens upon classes of property already assessed at full value and upon counties which have fully returned all taxable property, in compliance with the statute. In other words, it seems clear that in adding to the assessed valuation the commission should subdivide and distribute such increases, showing the nature and location of the property upon which the increases have been made, in order to insure a just valuation of all property and an equitable distribution of the tax burden.”  
5 D 05, p.17-18

**829 Delinquent taxes. Tax sales. Redemption**

- a **La. Blanchard.** “. . . I would suggest that they [tax lands] be sold only for a price approximating their value, and I invite you to consider the advisability of turning over these lands, and others that may revert to the state under similar circumstances, to the State Land Office as part of the state's public domain, to be disposed of under such conditions and at such price as you may determine. . .”  
14 My 06, p.33

**833 Business taxes. Revenue, license or privilege taxes**

- a **Ky. Beckham.** Proclamation calling extra session and recommending taxation of business of rectifying distilled spirits.

13 Mr 06

836

**Inheritance taxes**

- a **Ga. Terrell.** "In my message to the General Assembly in 1905 I called attention to the importance and advisability of the enactment of a law taxing inheritances. . . Large estates being acquired solely by the accident of birth may fairly be taxed. While the time has not yet come in Georgia when immense estates may threaten the public good, yet it must be admitted colossal fortunes capable of being handed down from generation to generation constitute a serious menace to the general welfare in some parts of the Union. . . ." 27 Je 06, p.9
- b **La. Blanchard.** Article 235 of the Constitution gives power to the General Assembly to levy for the support of the public schools a tax upon all inheritances. And article 236 provides that the inheritance tax shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance. This latter article well nigh emasculates the inheritance tax authorized by the preceding article, and we can never have in Louisiana an inheritance tax that amounts to much until article 236 is taken out of the Constitution. . . Two years ago . . . a statute was enacted imposing an inheritance tax . . . The tax should be collectable on inheritances, legacies and donations whether the succession of the dead man be formally opened or not. . . With proper safeguards to protect against evasion, the tax on direct inheritances and on donations and legacies to ascendants or descendants might well be reduced to 2½% and the tax on collateral inheritance and on donations and legacies to collaterals or strangers to 5%. I recommend such changes in the present law and that the inheritance tax be made progressive. . ." 14 My 06, p.38-40
- c **O. Pattison.** "I do not hesitate to say that I believe it is the wish of the great majority of the people of the state that the law enacted at the last session, known as the inheritance tax law, should be repealed." 8 Ja 06, p.13-14

841

**Corporation taxes**

Including taxation by general property tax

- a **Del. Lea.** Recommends readoption of constitutional amendment exempting from taxation the shares of Delaware corporations held without the state, as the legality of the adoption of this amendment in 1901 is questioned. 31 My 06
- b **Del. Lea.** Recommends more adequate provision for enforcement of delinquent franchise taxes. 31 My 06
- c **Miss. Vardaman.** "Railroads, the great manufacturing enterprises, telephone and telegraph lines and similar forms of property, should be taxed upon their real value and worth in the market, just as the farmer's home is taxed." 3 Ja 06, p.20
- d **N. Y. Higgins.** ". . . It has been held that a foreign corporation which employs all its capital in the state of New York

should be assessed upon its capital employed here and not upon its capital stock. In other words, a foreign corporation, organized say in South Dakota, can authorize and issue \$3,000,000 of stock, largely diluted with water, actually employ only \$200,000 in this state, do business only in this state, and have its license fee computed on the basis of \$200,000; while a like domestic corporation would be required to pay an organization tax on its entire capital stock of \$3,000,000. . ."

3 Ja 06, p.8

843

### Banking institutions

*See also 1679, Banking*

- a N. Y. Higgins. "I again recommend that the tax on the surplus of savings banks be repealed."

3 Ja 06, p.7

844

### Insurance companies

*See also 1732, Insurance*

- a O. Pattison. ". . . From a department for the protection of the insured, it [Insurance Department] has become also one of revenue, so that now nearly \$1,000,000 of the policy holders' money is being paid annually to the state, while the annual expenses of the department are less than \$50,000! It is for the General Assembly and the people to determine whether it is just to continue the present policy of making this department one of revenue by taking from the policy holders more than is sufficient to pay its expenses. . ."

8 Ja 06, p.19

### 845 Transportation and transmission corporations

*See also 1200, Transportation*

- a Ill. Deneen. . . Message to extra session recommending appropriation for expenses of investigation of receipts from gross receipts tax on Illinois Central Railroad Company. 18 Ap 06
- b La. Blanchard. ". . . Car service companies should pay a license tax for doing business in Louisiana, and they should be assessed as a car line and also on their cars and rolling stock as railroad companies are. The Board [of Appraisers] also suggests enlargement of the present license laws of the state so as to make it clear that license taxation may be imposed on or assessed against sleeping car companies and express companies, though as to the latter the board expresses the opinion that the present law, act 127 of 1898, may cover the case of such companies. . ."
- c N. J. Stokes. Railroad main stem should be taxed at average rate for the state. 9 Ja 06, p.30-36
- d N. J. Stokes. ". . . The present franchise law provides for a tax of 2% upon gross receipts, last year amounting to \$478,000. There would seem to be a clear distinction between the value of

14 My 06, p.43-44

the franchises of public utility corporations that lay their pipes or wires or conduits underground or that use only so much of the street above ground as is necessary to string wires on poles, and between the value of franchises like those of trolley companies that use a large portion of the streets and highways. If a 2% tax on the gross receipts is imposed upon the first class of public utility franchises, the latter class of franchises should justly be expected to pay more. . . . A plan for the division of dividends declared by public utility corporations in excess of a reasonable amount is well worthy of the consideration of the Legislature. . . . The practical details . . . could be worked out only after careful study and investigation. I recommend that a commission be appointed to investigate this question and report thereon."

9 Ja 06, p.41-42

- e **N. Y. Higgins.** "I recommend that . . . the law should be amended so as to relieve the Attorney General from the difficult and exacting duties now imposed upon him of defending these assessments [special franchise tax], and to impose the responsibility and expense upon the localities that reap the benefits of the tax."

3 Ja 06, p.16-17

- f **Wis. LaFollette.** Recommends "the enactment of such legislation as will compel the prompt payment of all railroad taxes in the future, leaving their remedy the right to recover back such tax, if it shall be found that for any reason it has been unjustly or wrongfully collected from them."

5 D 05, p.15

849

## Budget

*See also 2575, Local finance*

851

### Appropriation. Limit of expenditure

- a **La. Blanchard.** "Our rate of state tax remains at 60 cents on the \$100 valuation, notwithstanding the state's assessment of property has far more than doubled since the 60 cents rate was established. . . . As far as I have been able to ascertain, the only states whose rate of taxation for state purposes exceeds ours are Nebraska, North Dakota, Wyoming, Washington and Alabama, the latter by half a mill. . . ."

14 My 06, p.15-16

### 853 Accounts. Methods generally. Collection of moneys. Warrants

*See also 2575, Local finance*

- a **Va. Montague.** "My former recommendations respecting the reorganization of the Treasury Department are renewed. The first auditor should settle, collect and deposit all moneys coming to the state, but he should be wholly unauthorized to issue his warrant upon the treasurer for any sum whatever. The latter duty should be performed by the second auditor, who should make no collections or deposits, and his warrants alone should

be recognized by the treasurer. . . The necessity for a new system of bookkeeping in our Treasury Department, in accordance with approved business methods, is apparent. . ." 10 Ja 06, p.6-7

#### 854 Collection of state claims and revenue

- a La. Blanchard. "The public sentiment of the state favoring, as it appears to do, the election of most of the salaried officials of the state, it might be well also to make elective the collectors of the state's revenues in the parish of Orleans, which positions are now appointive. . ." 14 My 06, p.27

#### 856 Examination and audit

- a Va. Montague. "The state should create one special accountant, to inspect and scrutinize as far as possible the accounts, vouchers and methods of bookkeeping of all officials at the seat of government and elsewhere in the state who collect, account for or pay out public moneys. . ." 10 Ja 06, p.7

#### 865 Debts. Bonds

- a Miss. Vardaman. ". . . There is no justice in making the present generation pay with money worth 10% for building the Capitol and furnishing it, when the state can borrow the money at 3% and thereby put a portion of the burden upon the coming generations, who are to enjoy the uses and benefits of the Capitol. I believe that all permanent public improvements in the nature of public buildings should be paid for by the sale of long time low interest-bearing bonds. . ." 3 Ja 06, p.4-7

#### 868 Deposits and depositories

*See also 2600, Local finance*

- a Miss. Vardaman. "I commend for your consideration the question of state depositories. The establishment of state depositories will facilitate the collection of taxes, the disbursement of public funds, prevent the congestion of money in the State Treasury, keep the money in circulation—performing the beneficent function for which money was created—and at the same time add to the state's revenue. . ." 3 Ja 06, p.28
- b O. Herrick. ". . . There is no reason why state funds even though subject to constant checking should not earn an average of 2½% per annum. This is the average earning of funds deposited by banks with their correspondents or depositories, and there is no reason why the state's money should not earn as much." 1 Ja 06, p.8
- c Pa. Pennypacker. ". . . The interest now paid to the state by the banks and trust companies for the use of the state deposits is 2% per annum. . . Probably an increase of ¼% in the

interest charged would be as much as could safely be imposed. The amount deposited with each institution should be limited with reference to its capital and surplus, and in my view ought not to be more at any one time than three fourths of the total of these two sums. It ought also to be made a misdemeanor, punishable by fine and imprisonment, to pay, offer or receive any consideration for the use of such moneys other than the interest payable to the state, or to make or accept any promise based upon alleged ability to secure the deposit of them. . . ."

15 Ja 06, p.7

870

## Public order

*See also 234, Crimes and offenses*

875

## Municipal police

- a **Mass. Guild.** "Some twenty years ago the control of the police of Boston was transferred from the city to the commonwealth . . . The transfer has been amply justified. . . It is a principle of law that the judicial and executive functions should not be merged in one body nor in one person. It is a matter of historical and governmental experience that inefficiency, if not disaster, follows divided responsibility in the control of any organized body of men, where discipline and *esprit de corps* must be the mainspring of success. . . I recommend that an excise board of three, appointed and confirmed by the Governor and council, and representing at least two political parties, be given control of the liquor traffic; and that a single police commissioner, similarly appointed and confirmed, be placed at the head of the police. . . ."

4 Ja 06, p.27-30

879

## Amusements

*Relating chiefly to restricted amusements*

883

## Gambling. Lotteries. Betting

- a **U. S. Roosevelt.** "In some of the territories the legislative assemblies issue licenses for gambling. The Congress should by law forbid this practice, the harmful results of which are obvious at a glance."

5 D 05, p.53

895

## Cruelty to children and animals

896

## Cruelty to animals

- a **La. Blanchard.** "We have laws for the prevention of cruelty to animals. . . The laws are practically obsolete in the country districts. . . ."

14 My 06, p.51

900

**Intoxicating liquors. Narcotics***See also 908, Adulteration*

903

*Dispensaries*

- a S. C. Heyward. "It is imperative for the honor of the state that existing conditions should be immediately remedied, either by radical changes in the laws governing the dispensary or by the adoption of a different system for the regulation of the liquor question. . . After mature reflection I am constrained to recommend that the county boards of control be abolished and the dispensers appointed by the State Board of Directors upon the recommendation of the legislative delegations of the various counties. . . Legislation should be enacted at this session to free the system from the abuses which have crept in, to emphasize its restrictive features, and to insure proper compliance with the strict letter of the law. . ."

9 Ja 06, p.5-8

904

*Local option*

- a N. Y. Higgins. Local option for cities and villages recommended.
- b O. Pattison. "As the temperance question was one of the issues in the last election, I recommend that the original Brannock bill as passed by the House and amended by the Senate, or one similar in purpose, be enacted. The Brannock measure, as thus presented, represented the views of the great majority of the people who were in favor of excluding saloons from residential districts. Since 1852 there have been enacted virtually but three measures to this end, namely, the Beatty law, the Beal law and the Brannock law; the first to give local option to townships, the second to give it to municipalities, and the third to confer it on residential districts within cities. . . It is my opinion that it would be fair to give the people of the state the same right by counties as they now have by townships, villages and cities. . ."

8 Ja 06, p.3-4

916

**Illegal traffic**

- a Ia. Cummins. "I believe that our statute for the sale of intoxicating liquors needs strengthening in respect to its enforcement. . ."
- b S. C. Heyward. "The enforcement of prohibition in counties which have voted out dispensaries presents a serious problem. The present law, as I construe it, makes it the duty of the Governor, whenever he is satisfied that there are violations of law in such counties, to appoint constables; these constables to be paid from the special tax levied for that purpose. . . While I believe that special officers are necessary to prevent violations, and that such officers should be paid by the counties, I also think that these

8 Ja 06, p.22

officers should be selected by local authorities and be under their direction and control." 9 Ja 06, p.8

926

**Opium, cocaine etc.**

- a O. Herrick. "The State Dairy and Food Commissioner calls special attention to the many complaints that come to his department in regard to the violation of the poison and cocaine laws. . . I recommend. . . that the power of enforcement be placed with the Dairy and Food Department." 1 Ja 06, p.23

929

**Sunday observance**

- a O. Pattison. ". . . The so called Sunday laws should be obeyed and enforced, not only in the country and in the small villages but in the large towns and cities as well. . . I believe in home rule for all divisions, such as villages, cities, counties and districts, in reference to all of their own affairs that concern each, but I do not mean by this home rule in reference to laws which concern the welfare of the whole people. . ." 8 Ja 06, p.6-7

930

**Public health and safety**

932

**General supervision**

*See also 2160, Sick and disabled*

- a N. Y. Higgins. ". . . The state has imposed these duties upon the Department [of Health] and should provide adequately therefor. Readiness to prohibit and reluctance to make the prohibition effective are companion vices of our legislation. They result in a lamentable array of commendable but emasculated statutes, which should be vitalized or repealed." 3 Ja 06, p.26

947

**Osteopathy**

- a Ia. Cummins. "In view of the fact that practitioners in the Osteopathic School of the Treatment of Diseases are now required to pass an examination before the State Board of Medical Examiners, I believe it is wise and just that the law be so amended as to require the appointment, at large, of one member of the Board of Health and Medical Examiners from that school. . ." 8 Ja 06, p.21

956 **Adulteration. Inspection of articles liable to affect public health**

- a Ia. Cummins. Pure food regulation recommended. 8 Ja 06, p.21  
 b U. S. Roosevelt. "I recommend that a law be enacted to regulate interstate commerce in misbranded and adulterated foods, drinks and drugs. . ." 5 D 05, p.44



998

**Liquors. Alcohol**

- a O. Herrick. "Special attention is given in his report [State Dairy and Food Commissioner] to the quite prevalent and seemingly increasing use of methyl (or wood) alcohol in many drug products and of the great danger in its use as found and proven by the best authorities, whether the product is for use internally or only for external use or inhalation. Legislation is asked forbidding its manufacture or use in any of the ways mentioned and in any product. I recommend that such legislation be enacted."

1 Ja 06, p.23

1000

**Meat. Fish (fresh)**

1004

**Meats**

- a U. S. Roosevelt. Special message relating to conditions in Chicago stockyards and recommending stricter regulation and inspection of meat and meat food products entering into interstate commerce.

4 Je 06, 2 p.

1020

**Communicable diseases***See also 1065, Nuisances; 1144, Communicable diseases of animals*

- a La. Blanchard. ". . . Attention is called to the recommendation of the State Board of Health that the supervisory power given it by section 7 of act 192 of 1898 over local quarantines, established by parochial and municipal boards of health, be made effective by prescribing a penalty which shall attach to those who put into operation, or attempt to put into operation, local quarantine regulations until the same shall have been submitted to and received the sanction or approval of the State Board of Health or its president."

14 My 06, p.30

1042

**Tuberculosis**

- a Ky. Beckham. "If the condition of the treasury should permit, I would advise you to appropriate a sufficient sum of money to maintain a home for the care and treatment of those afflicted with tuberculosis. . . ."
- b Md. Warfield. "The [Tuberculosis] Commission . . . advises that it will be desirable eventually for the state to encourage and support a general scheme for the care of tuberculosis in Maryland on some such plan as the following:

2 Ja 06, p.13

1 *Dispensaries.* The establishment of proper dispensaries in the larger towns of the state for the treatment of patients who are able to move about.

2 *District nurses.* The development of a proper system of district nursing for tuberculosis, especially in connection with established dispensaries.

3 *Hospitals for the treatment of more advanced cases of tuberculosis.* Hospitals for consumptives should be eventually established in the cities and larger towns or in their immediate neighborhood. . .

4 *Hospitals for incipient tuberculosis.* There should be one or more institutions in the state for the treatment of incipient tuberculosis. . ."

3 Ja 06, p.27-28

1046

#### *Yellow fever*

- a Miss. Vardaman. Changes in quarantine laws recommended.

3 Ja 06, p.20-22

### 1065 Nuisances (general). Miscellaneous health regulations

1079

#### Pollution of water

*See also 932. Public health; 1003. Shell fish*

- a N. J. Stokes. Passaic river pollution.

9 Ja 06, p.24-25

1084

#### Smoke

- a U. S. Roosevelt. "The law forbidding the emission of dense black or gray smoke in the city of Washington has been sustained by the courts. . . I recommend that it be made more stringent by increasing both the minimum and maximum fine; by providing for imprisonment in cases of repeated violation; and by affording the remedy of injunction against the continuation of the operation of plants which are persistent offenders. I recommend, also, an increase in the number of inspectors, whose duty it shall be to detect violations of the act."

5 D 05, p.44-45

1090

### Public safety

Protection of human life from accidents, casualties etc. *See also 1313, Railroads*

1092

#### Fires

- a S. C. Heyward. ". . . I beg to call attention to the fact that the state of New York has a law requiring all dealers to sell nothing but safety matches. I recommend your favorable consideration of such a law, especially as safety matches sell at about the same price as the other variety."

9 Ja 06, p.23

1093

#### Fire marshals. Inspection

- a Ky. Beckham. "A law establishing the office of a fire marshal seems especially worthy of your attention. . ."

2 Ja 06, p.19

1099

#### Buildings: sanitation and safety

- a Md. Warfield. "The [Fire] Marshal asks that the law defining his duties be so amended as to confer upon him the power . . .

to examine . . . buildings in the state, outside of the city of Baltimore, used . . . as hotels, lodging houses, theaters or places of public assemblage, and to compel the erection thereon of proper fire escapes." 3 Ja 06, p.45

1124 **Miscellaneous**

1128 *Boilers and engineers*  
See also 1777, Boiler insurance

1129 **INSPECTION**

- a **Mass. Guild.** "The district police report that there are in Massachusetts 13,000 steam boilers uninspected by any company. . . Present conditions are a menace not only to property but to human life." 4 Ja 06, p.22

1144 **Communicable diseases of animals**

1167 *Tuberculosis*

- a **R. I. Utter.** ". . . When this law relative to tuberculosis in cattle was first passed, the board was given the responsibility of searching out the diseased animals on its own initiative, and the rules and officers necessary for such an effort were provided, great care being taken to prevent any possible injustice being done to the owners of suspected cattle. But after a very short practical experience it was proven that if such a search were made for the cattle the expense of killing them would be so great that the appropriation then available, or any likely to be available, would not meet it. Therefore the method was changed, with the result that now it is the owner of the diseased animal that first moves to have the cow examined; unless his neighbors, for some reason, interest themselves enough to do so. . . I am convinced that this amount of money, annually appropriated, is no longer doing for the state what it was intended to do, and that it can not do it until the whole system under which it is expended is changed." 9 Ja 06, p.8-10

1180 **Control of waters**

See also 1384, Canals; 1393, Bridges

- a **N. J. Stokes.** "We have 108 fresh-water lakes distributed throughout the state, covering 14,000 acres. Where practicable, these should be set apart as public parks and carefully preserved for the use of the people of the state. I suggest . . . that some commission, preferably the riparian, be authorized to investigate this proposition. . . If the legal principles advocated by the state in the case of the Attorney General v. The Hudson County Water Company are sustained in the Court of Errors

and Appeals, not only will the right of the state to prohibit the sale of potable waters beyond its confines have been confirmed, but the question will arise as to the right of individuals or corporations to appropriate and sell potable waters within the state without the state's consent. . . ."

9 Ja 06, p.22-23

- b **N. Y. Higgins.** ". . . This state and the Dominion of Canada have in the past been engaged in an unworthy rivalry in granting franchises of incalculable value to power development companies, permitting them to take water from the Niagara river above the falls for commercial purposes. . . . The state of New York can not carry on the work of preservation effectively without the aid of an international agreement to protect the cataract and the river from spoliation. It can, however, in some degree repair the mischief already done (1) by limiting the amount of water which may be taken from the river by the New York companies now engaged in developing power, (2) by repealing all undeveloped charters, of which several remain on our statute books, dormant if not defunct, and (3) by instituting legal proceedings for the forfeiture of the charters of any companies which may be guilty of misuse of their franchises or abuse or usurpation of powers. . . ."

3 Ja 06, p.22-23

- c **U. S. Roosevelt.** ". . . Nothing should be allowed to interfere with the preservation of Niagara Falls in all their beauty and majesty. If the state can not see to this then it is earnestly to be wished that she should be willing to turn it over to the national government, which should in such case (if possible, in conjunction with the Canadian government) assume the burden and responsibility of preserving unharmed Niagara Falls."

5 D 05, p.45

- d **U. S. Roosevelt.** Special message recommending enactment of law for preservation of Niagara Falls as recommended by American members of the International Waterways Commission.

27 Mr 06

1900

## Transportation and communication

- a **Wis. LaFollette.** Railroad rate commission law ('05 ch. 362) should be amended in regard to reports and accounts of companies, passes and reduced compensation, and investigation of rates charged.

5 D 05, p.8-12

- b **Wis. LaFollette.** Investigation of public service corporations recommended. "The people of Wisconsin have at least as good a right to know just what money has been expended by the railroads and other public service corporations of this state in salaries, in lobbying, in political campaigns and in 'legislative entertainments,' as the people of New York have to know the same facts with respect to the life insurance companies of that state. . . ."

5 D 05, p.31-32

1205

**Discriminations**

- a **Ia. Cummins.** "I recommend such an amendment to the law as will authorize the Board of Railroad Commissioners . . . after due investigation, to relieve the railways from the effect of the long and short haul clause in the statute. . ." 8 Ja 06, p.16
- b **U. S. Roosevelt.** "The power vested in the government to put a stop to agreements to the detriment of the public should, in my judgment, be accompanied by power to permit, under specified conditions and careful supervision, agreements clearly in the interest of the public. . . All private car lines, industrial roads, refrigerator charges and the like should be expressly put under the supervision of the Interstate Commerce Commission or some similar body so far as rates and agreements practically affecting rates are concerned. . ." 5 D 05, p.6-7

1212

**Rates (general)**

- a **U. S. Roosevelt.** ". . . As I said in my message of December 6 last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. . . In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts. . ." 5 D 05, p.5

1227

**Passenger rates**

1232

***Mileage books***

- a **Ga. Terrell.** ". . . I recommend the passage of a law conferring upon the Railroad Commission the power to fix the terms, conditions and rates on which mileage books shall be sold. If these books are made interchangeable the traveling public would thus be saved great annoyance and inconvenience. . ." 27 Je 06, p.8-9
- b **Ia. Cummins.** ". . . It seems to me that you should require the railways to sell mileage books, good for 1000 miles and upwards, at a flat rate of 2 cents per mile, good until used, and if purchased by the head of a family there is no reason why it should not be used by any member of the family. . ." 8 Ja 06, p.15-16

1237

**Passes. Franks**

- a **Ia. Cummins.** Passes should be prohibited except to company employees and stock shippers. 8 Ja 06, p.14-15
- b **O. Pattison.** ". . . Neither free passes nor free transportation should be given to any one. A law should be enacted . . . providing against the accepting of any reduction from the regular prices . . . by any and all persons holding office . . . in the state of Ohio. . ." 8 Ja 06, p.17-18

1238

**Race distinction**

- a **Miss. Vardaman.** "Separate sleeping and dining cars for the races and a strict enforcement of the law as a means of preventing conflicts and promoting harmony between the races, deserves your serious attention. . ." 3 Ja 06, p.31

1267

**Railways. Car companies. Express**

Chiefly steam roads but many of the general laws and special provisions include all kinds of railways. *See also* 500, Corporations; 841, 845, Taxation; 2040, Labor

- a **La. Blanchard.** "Some of the railroad companies operating railway lines in Louisiana fail to put their roads in good condition and others fail to keep their tracks in good condition. . . So, too, on some lines the service is miserably poor, both in car equipment and in schedule observance. The Railway Commission of the state should be given, if it have it not already, the power to handle effectively and promptly such situations. . ." 14 My 06, p.42-43

1300

**Reports**

- a **U. S. Roosevelt.** "There should be publicity of the accounts of common carriers; no common carrier engaged in interstate business should keep any books or memoranda other than those reported pursuant to law or regulation, and these books or memoranda should be open to the inspection of the government. . . A system of examination of railroad accounts should be provided similar to that now conducted into the national banks by the bank examiners; a few first-class railroad accountants, if they had proper direction and proper authority to inspect books and papers, could accomplish much in preventing wilful violations of the law. . ." 5 D 05, p.7

1314

**Safety regulations**

- a **U. S. Roosevelt.** ". . . The Congress should provide, by appropriate legislation, for the introduction of block signals upon all railroads engaged in interstate commerce at the earliest practicable date, as a measure of increased safety to the traveling public." 5 D 05, p.11

1317

*Crossings*

- a Wis. LaFollette. "I therefore recommend that the law be so amended as to authorize the commission to prescribe reasonable regulations in reference to dangerous grade crossings."

5 D 05, p.12

1337

**Street railways***See also* 500, Corporations; 841, 845, Taxation; 2040, Labor

- a Mass. Guild. "I recommend the extension of general law to legislation affecting street and electric railways."

4 Ja 06, p.19-20

1342

**CONSOLIDATION, SALE, LEASE, CONTRACT**

- a Mass. Guild. Special message recommending enactment of legislation to prevent the merger of electric railways with steam railroads.

23 Je 06, 1p.

1378

**Express***See also* 500, Corporations; 841, Corporation tax; 845, Taxation

1379

*Rates. Discrimination*

- a Ky. Beckham. "I recommend that you pass a law inflicting an effective penalty upon any express company or other common carrier for seeking to collect freight charges at both ends upon the same package. This is a common practice, especially with express companies, and can be easily stopped by a legislative act."

2 Ja 06, p.22

1384

**Canals**

- a Md. Warfield. "The Board of Public Works, by a majority vote, after due advertisement for bids, sold the state's interest in the Chesapeake and Ohio canal. . . It is unnecessary to dwell upon the reasons which prompted the acceptance of this bid. Suffice it to say that this was an asset of the state which had not yielded any return for a quarter of a century. . ."

3 Ja 06, p.39-40

- b N. Y. Higgins. Board of Appraisers and Examiners should be abolished.

3 Ja 06, p.15-16

- c O. Herrick. ". . . We must either rebuild the canals or abandon them. It will not do to go on forever declaring for the maintenance of what we ironically call our 'water ways' and then permit them to sink gradually into a worse and worse condition of ruin and wretchedness. . . I recommend that the General Assembly face this question squarely, and put it squarely to the people in some form that will permit a definite answer to the question, 'What shall we do with the canals?'. . ."

1 Ja 06, p.14-15

- d O. Pattison. "As to the canals, it is right that we should take it for granted that to maintain them is the settled policy of the state. . . . The canals may be developed into a system of water highways adequate for transportation of freight in unbroken bulk at minimum rates between ports on the Great Lakes and ports on the Ohio, Mississippi and the Gulf. . . . One of the first things to which I would call your attention is the fact that the income of the canals for the water rights and other privileges is largely below what should be expected because of their value . . . . I am informed that in several counties of the state, the expense of looking after the canals is two or three times what the services are worth. . . ." 8 Ja 06, p.8-9

1393

### Bridges. Tunnels

*See also 2700*

- a Pa. Pennypacker. "Under existing legislation the Board of Public Grounds and Buildings is required to rebuild, at the expense of the state, all of the county bridges which may be destroyed by flood. . . . If the counties were required to pay a certain proportion of the expense, say one third, it would probably lead to more earnest efforts to save the bridges and the wreckage, and to less expenditure in their construction." 15 Ja 06, p.9
- b Wis. LaFollette. '05 ch. 288 relating to county aid in building or repairing bridges should be revised. 5 D 05, p.26

1411

### Telegraph and telephone

*See also 500, Corporations; 841, 845, Taxation; 2040, Labor*

1414

### Supervision

- a Mass. Guild. "All public service corporations operating in Massachusetts are under the supervision of the commonwealth, with the exception of telegraph and telephone companies. There does not appear to be any good reason why such corporations should not be under a supervision similar to that now exercised over other public service corporations. . . ." 4 Ja 06, p.21

1422

### Commerce and industry (general)

1464 Adulteration and imitation. Branding. Inspection

*See also 956, Adulterations liable to affect public health*

1493

### Petroleum products

*See also 2073, Miners oil and lamps*

- a O. Pattison. "I request the General Assembly, at the earliest time practicable, to investigate the matter of the oil inspectorships . . . . I request you to decide as to whether or not, in your opinion, without detriment to the interests of the state, this service



could be performed by being placed in charge of one man, at a salary of from \$1500 to \$2500 per annum, with such number of assistants, from one to six, and at such compensation as may be thought advisable. . . ."  
8 Ja 06, p.15

1508

## Warehouses. Markets

1515

### Grain warehouses and inspection

- a Wis. LaFollette. "At the last session, the Legislature enacted chapters 19 and 317, creating a grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators, and for the storage, weighing and inspection of grain in the city of Superior, and conditionally at other points in said state. . . . I would recommend that the act be carefully considered and such amendments thereto enacted as will make the legislative intent clear, and afford a remedy for the evils complained of, to the full extent of the constitutional power of the state."  
5 D 05, p.28-30

1630

## Encouragement of industries

1662

### Expositions

- a Md. Warfield. "In view of the results accomplished through the Maryland exhibit at the Louisiana Purchase Exposition, it has occurred to me that it would be well for the state of Maryland to establish in Baltimore city, its great center of population, a museum of agriculture and manufactures, where could be displayed the products of the state and the output of our manufacturing establishments, thus advertising Maryland's resources . . . ."  
3 Ja 06, p.22
- b N. Y. Higgins. Special message recommending provision for celebrating in 1909, the 300th anniversary of the discovery of the Hudson river and the centennial anniversary of the first use of steam in the navigation of the Hudson.  
19 F 06

### *Jamestown Exposition*

- c Ga. Terrell, 27 Je 06, p.22-23; Md. Warfield, 3 Ja 06, p.34-35; La. Blanchard, 14 My 06, p.46-47; Mass. Guild, 4 Ja 06, p.26-27; S. C. Heyward, 9 Ja 06, p.24-25; U. S. Roosevelt, 5 D 05, p.37-38.

1675

### Resources and attractions. Immigration

- a Va. Montague. "The state needs immigration. . . . I would suggest the enactment of legislation for the procurement of desirable immigrants who can contribute to our home-building and developing energies. . . ."  
10 Ja 06, p.13

1679

## Banking

*See also 500, Corporations; 843, Taxation of banking institutions*

- a **Mass. Guild.** "Since the new business corporation law went into effect there has been a growing tendency to organize corporations to engage in banking, and on the part of foreign corporations to obtain admission into Massachusetts for the same purpose. . . I recommend that legislation be enacted to strengthen our present laws by the removal of any ambiguity of phrase, with such other action as may conduce to the effective prevention of unauthorized banking." 9 Ja 06, p.15-16
- b **Va. Swanson.** ". . . The state banks of Virginia . . . should be subject to laws confining their operations within safe and conservative limits, and they should be sufficiently examined by a capable and honest official to ascertain their solvency. . ." 1 F 06, p.10

1680

### *Inspection. Reports. Departments*

- a **Ky. Beckham.** "There is a considerable demand for the passage of a law providing for the examination of state banks and trust companies. . . I suggest that you place the matter in the hands of the State Inspector and Examiner. . ." 2 Ja 06, p.17
- b **Miss. Vardaman.** "I recommend the creation of the office of State Bank Examiner. . ." 3 Ja 06, p.28
- c **O. Herrick.** "In my inaugural address I recommended the passage of a law for the inspection of state banks and trust companies. The law enacted April 19th, 1904, was a step in the right direction, but it falls short of meeting the public requirements. This act should be amended or supplemented by such legislation as will afford adequate protection to depositors and customers and at the same time be fair and just to those who have their money invested in these financial institutions. . ." 1 Ja 06, p.16
- d **O. Pattison.** ". . . Provision should be made for a department to supervise banks and banking, and the expense of any and all such supervision and examination should be paid by the banks; or, if the dividends to the stockholders are limited to a reasonable amount then the expense should be paid out of the funds of the depositors. . ." 8 Ja 06, p.12

1687

### *Dissolution. Insolvency*

- a **N. Y. Higgins.** "I recommend the consideration of the enactment of appropriate legislation looking to a more economical administration of the estates of defunct corporations which have been placed in the hands of receivers in actions brought by the people through the Attorney General upon reports of the Insurance or the Banking Department. The present system involves serious and needless expense for receivers' and attorneys' fees which often falls upon people of moderate means and results in real hardship." 3 Ja 06, p.16

1693

**Officers. Meetings**

- a O. Pattison. ". . . I suggest that you make some provision, if it is possible, by which no man can become an officer or director, or remain an officer or director of any state or private bank unless he will take an oath of office that he will not engage in any kind of speculation whatsoever. . . . My observation is . . . that the great majority of the losses sustained in the state of Ohio during the last quarter of a century have been brought about because of the directors or officers of these various banks engaging directly or indirectly in speculation. . . ." 8 Ja 06, p.12

1708

**Savings banks**

- a R. I. Utter. "One year ago the General Assembly was urged to provide for the appointment of a bank commissioner, who should have an oversight and control of all savings institutions doing business in this state, with full power to investigate the affairs of such institutions and to protect the interests of the depositors therein. . . . A law should be provided for the oversight and examination of all such institutions, and authority should be given to some officer to take quick and positive action in case he deems it necessary or desirable at any time to protect the interests of the depositors." 9 Ja 06, p.6-7

1732

**Insurance**

*See also 500, Corporations; 844. Taxation of insurance companies*

- a O. Pattison. "President Roosevelt's efforts for national supervision of insurance should have your approval. . . ." 8 Ja 06, p.19
- b U. S. Roosevelt. ". . . There is need of a far stricter and more uniform regulation of the vast insurance interests of this country. The United States should in this respect follow the policy of other nations by providing adequate national supervision of commercial interests which are clearly national in character. . . ." 5 D 05, p.16-17

1741

**Deposit of security. Reserve**

- a Ia. Cummins. ". . . I believe, therefore, that from this time forward all 'old line' life insurance companies organized under the laws of other states and desiring to carry on business in the state of Iowa, should be required to deposit with the State Auditor securities equal in amount to the legal reserve upon the policies issued upon lives in this state, for the protection of such policy holders; the deposits to continue until the state in which the company is organized shall require a deposit of the entire legal reserve with some state officer, at which time our Auditor should transfer the securities so placed with him to the officer of the state in which the company is organized." 8 Ja 06, p.8

1747

**Investments**

- a **Ia. Cummins.** "I believe that the time has come to enlarge the field of investment. In harmony with the plan already adopted, life insurance companies should be permitted to invest in drainage bonds, and in such securities as paving, curbing, sewerage or other public improvement certificates. . . I believe, also, that every life insurance company organized under the laws of this state should be permitted to invest a reasonable sum . . . in a home office. . . The law . . . ought to be changed, so that if the companies desire to loan money upon real estate in other states, they should first apply to the Executive Council, and receive authority from that body, prescribing in what states or parts of states, other than our own, such loans can be made. . ."
- 8 Ja 06, p.9-10
- b **Ky. Beckham.** "I would also advise that you pass a law along practicable lines requiring a company doing business in the state to invest a certain portion of its earnings in Kentucky. It is a constant drain upon our money to send out every year a large sum for insurance and to have no part of it reinvested in the state. . ."
- 2 Ja 06, p.19
- c **Va. Swanson.** "We should by law require the life insurance companies doing business in this state to invest a part of their reserve funds in safe Virginia securities, loans, mortgages or properties, approximating as near as possible the amount required to the amount of Virginia premiums that go into the reserve funds. . . If all the states should adopt legislation of this character, it would prevent the great accumulation of the funds of insurance companies in the large cities to be used as stockjobbing schemes and for speculative purposes. . ."
- 1 F 06, p.11-12

1754

**Life and accident**

- a **La. Blanchard.** "Louisiana, with the largest city of the South within her borders, ought to have one or more large life insurance companies incorporated under her laws. Legislation to encourage the formation of such companies, and promoting their growth and development, would seem to be desirable, especially at this juncture when recent exposures of ill practices have shaken the public faith in many of the big companies of the Northern States."
- 14 My 06, p.51
- b **La. Blanchard.** Special message relating to life insurance. Recommends investment in Louisiana of amount equal to reserve on Louisiana policies; prohibition of deferred dividends; greater publicity of accounts; restriction of salaries of officers and compensation of agents; prohibition of campaign contributions.
- 17 My 06, 15 p.
- c **Mass. Guild.** ". . . I recommend that the Governor, with the consent of the Council, be authorized at once to appoint a temporary and advisory board, who shall revise and codify our

- insurance laws . . . consider and originate measures and suggestions, and report such information, with their findings from time to time, to the present General Court. . ." 4 Ja 06, p.18-19
- d **Mass. Guild.** Special message recommending postponement of insurance legislation until completion of work of National Insurance Convention. 16 Ap 06, 2 p.
- e **Miss. Vardaman.** "Recent disclosures in the management of the great life insurance companies of the North impress me with the necessity for the organization of life insurance companies in the state of Mississippi with which our people may invest their money with the assurance that the money so invested will not be stolen or squandered in speculation, for private salaries, or luxuriant living on the part of its officers. . ." 3 Ja 06, p.26
- f **N. Y. Higgins.** ". . . The funds of insurance companies should sacredly be safeguarded for the policy holders by the state and every element of personal gain eliminated from their management. To accomplish this result it has been suggested that large amounts ought, for the safety of the insured as well as for the good of the community, to be invested in bonds secured by mortgages on real estate at a conservative valuation; that deposits with or loans to moneyed corporations should be subject to suitable restrictions; that the control of subsidiary companies should not be permitted; that insurance directors should have no conflicting business connections; that investments in corporate bonds should be regulated so as to prevent speculation and loss from an attempt to float doubtful enterprises; that policies should be of standard forms so that the abuses arising from ambiguity, complexity and incompleteness of the contract may be eradicated and the contract made definite in form and substance; that a uniform system of audits and accounts should be prescribed by the Insurance Department; that full publicity to policy holders should be assured; that deferred dividend policies should be prohibited or greatly restricted; that policies should be further safeguarded from forfeiture; that an equitable distribution of the gains of the company to the policy holders entitled thereto should be required; that policy holders should have an effective voice in the government of the companies and that the discretion of the directors should be subject to judicial or administrative review. . ." 3 Ja 06, p.12-13
- g **R. I. Utter.** ". . . At the present time the conditions are not sufficiently understood to warrant the making of extensive changes in our insurance laws." 9 Ja 06, p.6
- h **U. S. Roosevelt.** Special message recommending enactment of insurance law for District of Columbia in conformity with report and recommendations of the Chicago Insurance Convention. 17 Ap 06
- i **Wis. LaFollette.** Investigation of life insurance companies recommended. 5 D 05, p.33-39

**Investments, see 1747**

1758

**Policy. Application. Rates**

- a Ia. Cummins. "I believe that there should be standard forms of policies. They should be uniform with all companies. . ."

8 Ja 06, p.10

1758(7)

**Surplus. Dividends**

- a Ia. Cummins. "It seems to me that every consideration of safety and fair dealing requires that the surplus to be credited or paid to participating policy holders shall be ascertained and paid, or otherwise disposed of, every year. . ." 8 Ja 06, p.8-9
- b Ky. Beckham. Deferred dividends. "I would advise that you carefully examine into your power in the premises, and that if you find it would be effective, pass a law requiring a short period accounting of the surplus to the policy holders of the company."

2 Ja 06, p.19

1759

**Mutual insurance**

- a N. Y. Higgins. Special message recommending amendment of chapter 123, laws of 1906, so as to change date of election of directors to December 18, 1906.

2 My 06

1764

**Fire and other casualty**

1777

**Boilers**

- a Ia. Cummins. "Subdivision 6 of section 1709 [of the Code] creates a practical monopoly in the insurance of steam boilers in one company. . . I can perceive no reason why companies operating under subdivision 5 of section 1709 should not insure against boiler explosions. . ."

8 Ja 06, p.11

1791

**Plate glass**

- a Ia. Cummins. "I believe that sections 1709 and 1710, as found in the Code Supplement, should be amended. Under the construction which has been properly put, the right to insure against casualty to plate glass should be extended to companies operating under subdivision 5 of section 1709 of the Code."

8 Ja 06, p.10-11

1826

**Agriculture**

*See also* 956, Adulteration; 1144, Communicable diseases of animals; 2343, Agricultural schools

- a Miss. Vardaman. "I think the time propitious for the creation of the office of Commissioner of Agriculture and Immigration."
- b R. I. Utter. Appointment of a committee to consider the reorganization of the Board of Agriculture and its work recommended.

3 Ja 06, p.28-29

9 Ja 06, p.10-11

1840

**State associations and fairs**

- a N. Y. Higgins. "The [state] fair has outgrown the present accommodations. . . ." 3 Ja 06, p.30

1890

**Forestry**

- a La. Blanchard. "The state should preserve what remains of the pine forests. It can be done by passing a law requiring owners to limit the cut of the timber to trees larger than 10' or 12 inches in diameter; prohibiting any tree to be cut of less dimensions than, say, 10 or 12 inches, and making provision looking to strict enforcement of the law." 14 My 06, p.50-51
- b O. Herrick. "I desire to renew the recommendation made two years ago for the enactment of laws which will foster and preserve the rapidly diminishing forest areas of the state. . . I suggest that a bureau be established in connection with the State Fish and Game Commission at the Ohio State University." 1 Ja 06, p.23

1892

**Bounty. Exemption**

- a O. Pattison. "It has been suggested, and I offer it also as my suggestion, that for a period of 10 or 20 years all timber lands in agricultural sections should be freed from taxation to the extent of one fourth of the entire tract; this, however, is to include only virgin timber lands, or those not used for any other purpose, and lands which contain a certain number of trees and on which no timber would be cut during said years, except for the owner's purposes for firewood or for his own building material. . . ." 8 Ja 06, p.20-21

1894

**Forest preserves**

- a N. Y. Higgins. ". . . It is to be trusted that the state will not forever ignore the theory and practice of scientific forestry and that it will not only protect the wilderness constituting the forest preserve in its natural state, but will also encourage by precept and example the cultivation of forest tracts for economical purposes. . . ." 3 Ja 06, p.31

1896

**Lumber**

*See also 778(5, Public lands)*

- a La. Blanchard. "A vast amount of timber in the rough (saw logs) is being carried out of the state to be manufactured into lumber at mills in contiguous states. . . It would redound greatly to Louisiana's material interests to have her timber products sawed into lumber by mills located on her own soil. It should be the policy of the state to require this, provided it may be done without infringement of any principle of constitutional law." 14 My 06, p.50

1900

**Game and fish**

- a N. Y. Higgins. "The Forest, Fish and Game Law . . . should be carefully recodified. . . ." 3 Ja 06, p.31
- b O. Herrick. "In its report . . . the Fish and Game Commission complained of the lax laws relating to fishing on Lake Erie and say that unless some stringent legislation is provided by this session of the Legislature the rapid extinction of the great food supply afforded by the lake will continue and it will take but a few years to deplete the stock of fish in Ohio. . . ." 1 Ja 06, p.24

1904

**Enforcement. Fines**For game wardens *see* 1900

- a Md. Warfield. "I would recommend that these [fish] commissioners be placed in charge of the enforcement of the game laws relating to fish in the waters of the state." 3 Ja 06, p.45

1906

**License to hunt or fish**

- a La. Blanchard. ". . . Nonresident hunters come into Louisiana in large numbers. It should be a misdemeanor for them to hunt here until they shall have first paid a state and parish license in the parish in which they hunt." 14 My 06, p.45-46

1959

**Fish**

1961

**Fish culture**

- a Md. Warfield. "The [fish] commissioner for the western shore strongly recommends the sale of the station located in Garrett county, because it has no water that can be used for hatching purposes, and its situation is so far from the railroad as to render it absolutely useless as a hatching station. . . ." 3 Ja 06, p.45

1963

**Fishways**

- a Wis. LaFollette. Chapter 461, laws of 1905, "requires dams, booms and piers to be equipped with a special kind of patented fishway. There does not seem to be any reason for requiring fishways to be placed in booms and piers. A patented fishway should not be required at all. . . ." 5 D 05, p.25

1966

**Special methods of fishing**

- a N. J. Stokes. Recommends repeal of "An act to regulate fishing by steam and other vessels with shirred or purse seines in the waters of the state of New Jersey and to require a license for such fishing." 9 Ja 06, p.11-12

2011

**Oysters**

- a Md. Warfield. ". . . The cause, in my opinion, of the existing oyster famine in Maryland lies in the fact that, while other



states and countries, with a supply of oysters upon their natural beds far less in quantity and inferior in quality to that which has been bestowed upon us, have introduced the cultivation of oysters, we have, in the face of all experience, relied solely upon our natural supply, until it is now almost wholly exhausted. This exhaustion is not primarily due to overdredging or tonging, or even to the failure to observe the provisions of the culling law. . . ."

3 Ja 06, p.15-16

2020

## Mines and mining

*See also* 500, Corporations. For labor in mines *see* 2040

2037

### *Waste of oil and gas. Plugging wells*

- a La. Blanchard. ". . . I recommend the enactment of a law adapted to the mineral deposits found in our state, preventing destruction and waste and promoting the mining industry of the state. . . ."

14 My 06, p.41

2040

## Labor

*See also* 354, Convict labor; 1099, Buildings, sanitation and safety; 1612, Labor day

- a Md. Warfield. ". . . Legislation authorizing the Bureau [of Statistics] to take a census of the manufactures of the state should be enacted. This act should contain a provision for the inspection and report of all factories in the state of Maryland, just as in the case of the clothing shops."
- b N. Y. Higgins. ". . . I recommend such an increase in the number of factory inspectors as may be necessary to enable the Department [of Labor] to do systematic and thorough work."
- c Va. Swanson. "Under reasonable restrictions, clearly defined by law, power should be given the Labor Commissioner to inspect factories in order to procure proper information, and to see that the labor laws enacted by the state are obeyed. . . ."

3 Ja 06, p.29

3 Ja 06, p.27

1 F 06, p.18

2063

## Mines

*See also* 2020, Mines and mining

- a Va. Montague. "The growth and magnitude of our mining industries afford employment to a very large number of people. The conditions under which these people work are not free from danger, and for their protection I would suggest the enactment of laws substantially analogous to those already in force in the various mining states of the Union."

10 Ja 06, p.12

2066

### *Safety of employees*

- a O. Herrick. ". . . The Attorney General and the Chief Inspector of Mines made a personal inspection of the principal mining districts of the state, and . . . report that the principal

causes of injuries and loss of life incident to the present method of mining result from the use of electric motor cars and live wires throughout the mines, as well as the operation of machinery by compressed air in cutting the coal. It is found that there are no laws now governing the use of electricity in the operation of mines, and that the statutes on the subject of mining have become obsolete and inapplicable, except to the old methods, which are now long out of use. . ."

1 Ja 06, p.22-23

2073

**MINER'S OIL AND LAMPS**

*See also 1493. Petroleum products*

- a **Md. Warfield.** "The [Mine] Inspector recommends some changes in the law relating to the quality of oil used in the mines. He believes that the standard should be changed and that the quality to be used should be definitely fixed, and the use of an inferior grade prohibited."

3 Ja 06, p.46

2085

**Hours**

*See also 2113. Employment*

2097

**Railways**

- a **U. S. Roosevelt.** "The excessive hours of labor to which railroad employees in train service are in many cases subjected is also a matter which may well engage the serious attention of the Congress. . ."

5 D 05, p.11

2113

**Employment**

2115

*Free employment bureaus*

- a **N. Y. Higgins.** "The . . . Commissioner of Labor advises me that the free employment bureau maintained by the state in New York city is of doubtful expediency. In effect the bureau has become an intelligence office for women domestic servants. It seems unnecessary for the state to continue to maintain this agency. State regulation and supervision of private employment agencies would have a more far-reaching and beneficial effect upon the labor situation in the state in general."

3 Ja 06, p.27

2117

*Women*

- a **U. S. Roosevelt.** "The Department of Commerce and Labor should make a thorough investigation of the conditions of women in industry. . . There is need of full knowledge on which to base action looking toward state and municipal legislation for the protection of working women. . ."

5 D 05, p.13

2118

*Children*

- a **Ia. Cummins.** "It is true that with the present development of industry in the state there are fewer children who are doing

- what they ought not to do in the way of work than in many of our sister states; but if we begin right we will have less to reform in the days to come. I hope that you will find it consistent with good policy to enact a statute upon this subject. . ." 8 Ja 06, p.23
- b **Mass. Guild.** ". . . The truant officer is now allowed without a warrant to hale an illiterate child to school if it is engaged in play. He should be given, what he has not now, the same power over the same child if engaged at work. . . Agents of the State Bureau of Labor Statistics report to me that a shameful trade exists, which supplies for money false age and schooling certificates to children under age. . ." 4 Ja 06, p.33
- c **Miss. Vardaman.** "The age and hours of child labor is an unquestioned prerogative of the state government to regulate and it is also the duty of the state government to do so. I submit the question for your consideration." 3 Ja 06, p.30
- d **U. S. Roosevelt.** "I renew the recommendation I made in my last annual message for an investigation by the Department of Commerce and Labor of general labor conditions, especial attention to be paid to the conditions of child labor and child labor legislation in the several states. . ." 5 D 05, p.12-13

**2125 Employers liability. Insurance**

*See also 1732, Insurance*

- a **U. S. Roosevelt.** Recommendation renewed for employers liability law for the District of Columbia and in navy yards. 5 D 05, p.11

**2140 Charities**

*See also 60, State institutions; 335, Corrections*

**2159 Public calamity**

- a **Cal. Pardee.** Proclamation convening Legislature in extra session to pass relief measures occasioned by San Francisco earthquake and fire of April 18. 1 Je 06, 7p.
- b **Cal. Pardee.** Message to extra session of Legislature convened to pass relief measures occasioned by San Francisco earthquake and fire of April 18. 2 Je 06, 10 p.
- c **Mass. Guild.** Special message urging action for relief of California earthquake sufferers. 20 Ap 06, 1 p.
- d **N. Y. Higgins.** Special message recommending appropriation of \$250,000 for relief of San Francisco earthquake sufferers. 23 Ap 06

**2165 Hospitals**

*See also 1042, Tuberculosis hospital*

**2166 State hospitals**

- a **Miss. Vardaman.** Establishment of a hospital at Jackson recommended. 3 Ja 06, p.29

2183

**Defectives***See also 2220, Education*

- a Va. Montague. "I again ask your consideration of the establishment of a school for the colored deaf and blind. . ."

10 Ja 06, p.5

2193

**Insane***See also 60, State institutions*

2198

**State asylums**

- a Ky. Beckham. "I recommend that you change the law of management of these four institutions [insane and feeble-minded] and place them in the hands of a state board of control, to be appointed by the Governor and confirmed by the Senate. . ."

2 Ja 06, p.7-8

- b Miss. Vardaman. Improvements in state asylums recommended.

3 Ja 06, p.22-23

- c O. Herrick. New hospital for the insane.

1 Ja 06, p.20

2199

**Institutional boards, officers and employees**

- a Va. Montague. "The compensation of the superintendents and assistants of our insane hospitals is less, perhaps, than that of any state in the Union; and we can neither long retain our best men nor hope to fill vacancies by good ones at the present rate of pay."

9 Ja 06, p.5

2201

**Care outside of asylums**

- a Va. Montague. "Our jails are practically free of insane, but there are a few insane persons in the custody of relatives or friends at the expense of the state, in pursuance of statutory authorization. This statute should be repealed. Our insane should be in the hospitals, for their maintenance by the state while in the care of relatives or individuals without official supervision, is a policy unwise and a practice too susceptible of abuse."

10 Ja 06, p.4-5

2210

**Epileptics**

2213

**State asylums and colonies**

- a N. Y. Higgins. "The Craig Colony for Epileptics is in need of a large new building for the treatment of imbecile and insane epileptics and those requiring custodial care who can not be treated to advantage by the cottage system but can better and more economically be cared for in a single building. . ."

3 Ja 06, p.26

- b Va. Montague. "It is most expedient and humane to provide separate buildings and grounds for the support and care of epileptics. . ."

10 Ja 06, p.5

2215

**Feeble-minded**

- a **Ga.** Terrell. ". . . I suggest that a suitable committee or commission be provided for the purpose of investigating such schools [for feeble-minded and defective children] in other states, where they have been successfully operated, with the view of establishing one in Georgia." 27 Je 06, p.18-19
- b **Ky.** Beckham. "The state pays \$75 annually to each person adjudged to be a pauper idiot, and this has grown to be a wasteful and abominable pension system. . . First, amend the law by providing that in each case the county shall pay one half the allowance before the state shall be called upon to pay the other half; or, second, build an addition to this Feeble-minded Institute and require that the idiots be sent there. . ." 2 Ja 06, p.7
- c **Mass.** Guild. "I urgently recommend to your attention the suggestions of the State Board of Insanity, urging the extension of help to the feeble-minded. . ." 4 Ja 06, p.31

2220

**Education. Science. Culture**

2223

**Elementary and secondary education**

- a **Ky.** Beckham. "I am inclined to believe that the recommendations of the Superintendent [of Public Instruction] as to the abolition of the trustee system and a reduction in the number of schools should be followed, and that a higher standard of instruction would be obtained by doing both. . . If [normal schools] can be established without seriously trespassing upon the school fund, then I believe it would be a good idea to do so." 2 Ja 06, p.8-9
- b **Va.** Swanson. "No act of this General Assembly would be more deserving of commendation, more promotive of public good, than the one extending generous aid to our primary schools and infusing into them new life and vigor. . ." 1 F 06, p.14-15

2228

**Officers. Boards**

2229

*State*

- a **Md.** Warfield. "I recommend that the General Assembly create the office of Assistant Superintendent of Education and Treasurer of the State Board. . ." 3 Ja 06, p.19

2230

*County*

- a **La.** Blanchard. "With regard to parish school boards, I recommend the members thereof be elected by the people of the parishes wherein their duties, respectively, are to be performed. The popular sentiment of the state seems to favor this change, and in deference to this sentiment I make the recommendation.

. . . In effecting a change, and practically relieving the parish school board of responsibility to the state board, I think it would be well to . . . provide that the selection of the parish superintendent shall be subject at all times to the approval of the state board, and give the state board the authority to require that a reasonable salary be paid him. . . ." 14 My 06, p.25-26

2233

**Buildings. Grounds**

- a Va. Swanson. ". . . I would suggest to the General Assembly the consideration of some plan to increase the credit of the school districts and thus enable them to procure, at reasonable rates of interest, funds to erect suitable school buildings, to be gradually paid out of their local school taxes. This would save the excessive rents now paid in many cases. . . ." 1 F 06, p.15

2237

**General school finance**

2240

**Funds. Lands. Taxes**

*See also 774 Public lands*

- a O. Pattison. ". . . By the present law a large sum of money in the aggregate is now being paid to county auditors for little or no service. This should be stopped at once and this large sum of money saved for the school fund." 8 Ja 06, p.16

2246

**Negroes**

- a Miss. Vardaman. ". . . I believe every dollar invested for negro education under our present free school system is an indefensible and unwarranted prodigality of cash. It is a crime against the white man who furnishes the dollar and a disadvantage to the negro upon whom it is spent. . . ." 3 Ja 06, p.15

2267

**Attendance**

2270

**Compulsory attendance. Truancy**

*See also 2118, Employment (children)*

- a Md. Warfield. "The State Board of Education, after several years' study of methods adopted by other states where conditions closely resemble those in Maryland, have prepared a bill establishing a plan for compulsory primary education, and will recommend to you the passage of the same. . . ." 3 Ja 06, p.19
- b N. Y. Higgins. ". . . The rate of illiteracy will be reduced by perfecting and enforcing the compulsory school attendance law and the child labor law. To these ends the interest of the Legislature is earnestly invited." 3 Ja 06, p.29
- c S. C. Heyward. "It was a matter of sincere regret to me that the compulsory education bill discussed at your last session did not become a law. . . ." 9 Ja 06, p.12

- d **Va. Montague.** "Compulsory attendance prevails in every state of the Union with the exception of the Southern States, and even here Maryland and Kentucky have broken the reactionary fetters, and it may be generally affirmed that wherever the free school is efficient, either in America or abroad, legalized compulsory attendance prevails. . . If the General Assembly is unwilling to take this step for the whole state, I earnestly recommend your honorable body to empower any county or city of the state with the option of establishing compulsory attendance. . ."

10 Ja 06, p.11

**2275 School year, month, day**

- a **Ga. Terrell.** Recommends that scholastic year be from September 1 to August 31 instead of the calendar year. 27 Je 06, p.13

**2277 Students. Discipline**

**2281 Physical condition. Medical inspection.**

- a **Mass. Guild.** "I would suggest that you consider legislation contemplating a more general medical inspection of school children, as now practised in some localities, notably for the discovery of infectious diseases and physical defects. . ."

4 Ja 06, p.22-23

**2342 Professional and technical education**

**2343 Agricultural**

- a **Ga. Terrell.** ". . . The act of 1903 requiring that the elementary principles of agriculture be included in the curriculum of our public schools is a wise and important measure. . . Between these schools and the university there exists a wide gap which can best be supplied by agricultural schools or colleges in each congressional district. . ."

27 Je 06, p.10-11

**2352 Libraries**

**2354 State libraries**

- a **Md. Warfield.** "I recommend that the Library Committee be authorized . . . to take into consideration the question of the establishment of some effective means by which expert information can be collated for the use of the members of the Legislature during the sessions of the General Assembly, thus enabling them to keep track of effective legislation in other states and communities. . . Committees and members could have before them in compact shape the experience of every other state on any given subject. Fewer laws would be declared unconstitutional and less litigation would result. Greater economy and efficiency would be assured in the administration of the laws."

3 Ja 06, p.37

- b Va. Montague. ". . . Increased compensation should be given to the librarian and his chief assistant; additional stack space should be allotted; traveling libraries, by all means, should be established, and the plan of the librarian for the rehabilitation of our history should have legislative sanction and support."

10 Ja 06, p.11

## 2363 History. Records. Memorials

### 2365 Archives. Records. Colonial laws

- a Cal. Pardee. Proclamation convening Legislature in extra session to pass relief measures occasioned by San Francisco earthquake and fire of April 18.

1 Je 06, 7p.

### 2369 Scenic and historic places

*See also 2370, Memorials*

- a U. S. Roosevelt. Special message recommending enactment of law for preservation of Niagara falls as recommended by American members of the International Waterways Commission.

27 Mr 06

### 2371 Battle flags

- a Va. Montague. "The Confederate battle flags which have been returned to the state by the United States government should be under continuous official care and deposited in some fireproof receptacle. . ."

10 Ja 06, p.9

### 2376 Memorials on battlefields. Soldiers monuments

- a O. Herrick. Vicksburg monument. 1 Ja 06, p.25  
 b O. Herrick. ". . . I recommend that an adequate appropriation be made for the erection of a suitable Ohio soldiers and sailors monument. . . " 1 Ja 06, p.25  
 c S. C. Heyward. A state monument at Valley Forge.

9 Ja 06, p.25

### 2379 War records

- a Ia. Cummins. Recommendation renewed for a roster of Iowa soldiers and sailors.

8 Ja 06, p.22-23

## 2388 Military regulations

*See also 2363, History, records, memorials*

### 2400 Adjutant general

- a Miss. Vardaman. Increase in salary of Adjutant General recommended. 3 Ja 06, p.27  
 b S. C. Heyward. "The Adjutant General . . . urges that the office of adjutant and inspector general should be taken out of politics and be made appointive. He suggests that this official be appointed by the Governor upon the recommendation of a majority of the officers of the National Guard. In this I heartily concur. . ."

9 Ja 06, p.13-14



2430

## Local government

2432

## Municipalities

- a Ia. Cummins. "It has been the policy of the state in the past to extend some aid to certain associations which deal with agriculture. . . The growth of population is now largely in the cities and towns, and there are constantly arising problems of the most important character which require intimate association on the part of those who are administering municipal affairs to solve. I believe, therefore, that a small appropriation in aid of the work of the League of Iowa Municipalities would be a wise expenditure of the public funds. . . ." 8 Ja 06, p.24

2443

## Consolidation

- a Pa. Pennypacker. "The union of the cities at the junction of the Allegheny and Monongahela rivers into one municipality is a subject of importance to the commonwealth, and of interest to the people who there have their residences and conduct their occupations. . . ." 15 Ja 06, p.5

2468

## Mayor

- a O. Herrick. "The present provision adopted as a part of the municipal code which gives to the Governor the power to remove mayors for misconduct should be repealed. It has been held inoperative by both the last administration under Governor Nash and the present one. Were it operative it ought to be repealed, for it violates every principle of local self-government. . . ." 1 Ja 06, p.22

2473

## Municipal civil service

*See also* 38(2. Civil service examination; 2588. Financial officers. Laws relating to election, salary etc., of a particular officer are classified under the name of the officer.

- a O. Herrick. "The Municipal Code should be made still more flexible, so far as the Constitution permits, and an opportunity given to reduce the number of officers provided for the smaller municipalities." 1 Ja 06, p.21-22

2492

## County and township government

Includes provisions relating to the Louisiana parish. *See also* specific functions of counties and towns: Roads, Charities, Drainage etc.

2497

## County records

*See also* 306, Conveyance

- a Md. Warfield. "The Auditor still urges . . . the recommendations made two years ago . . . that the various officers keep complete books. . . In many counties the records are kept in private account books which are taken away by the officials at the expiration of their terms. . . ." 3 Ja 06, p.42

2517

**Salaries. Fees**

- a N. J. Stokes. ". . . I recommend that [the salary system] be extended throughout the state, that the offices of sheriff, county clerk, surrogate and register of deeds be made salaried instead of fee offices. . ." 9 Ja 06, p.14
- b O. Herrick. "The present fee system of compensating county officers ought to be abolished at once. . . I do not believe in niggardly salaries, but . . . it is intolerable that any county officer in Ohio should receive as much or more per annum than the President of the United States, and it is unjust to the people who pay the bills that many county officers in this state should receive 5 to 10 times what their services are fairly worth. . . I earnestly recommend not only a county salary law, but the abolition of the fee system wherever it exists in the state. . ." 1 Ja 06, p.15-16
- c O. Pattison. Enactment of a salary law for county officers recommended. 8 Ja 06, p.10
- d O. Pattison. ". . . All organizations of county officers formed for the purpose of increasing their salaries or compensations, either directly or indirectly, should be prohibited by law." 8 Ja 06, p.11

2550

**Local finance**

2577

**Appropriation. Tax levy. Expenditures**

- a N. J. Stokes. Municipal expenditures. 9 Ja 06, p.27-30

2578

*Limit of taxation*

- a La. Blanchard. "Our maximum rate of parish and municipal and levee district taxation remains each at 10 mills, or \$1 on the \$100 valuation. This has been the case for 27 years. It is much too high, and by legislative enactment the maximum should be reduced to 8 mills, leaving to the police juries and town councils and levee boards to cut under the maximum, if they can. . ." 14 My 06, p.16

2588

**Financial officers**

2593

*County*

- a S. C. Heyward. "I must repeat to you my recommendation of last year in reference to county auditors and treasurers. These officers, for every good reason, should no longer be subjected to political influences and to the neglect of their duty incident to political campaigns for reelection." 9 Ja 06, p.5

2600

**Deposits and depositories**

- a O. Herrick. ". . . I understand that at present the depository laws for counties are special and possibly unconstitutional, and that with respect to cities, villages and school districts the

duty of placing the public funds on interest under proper safeguards and restrictions is merely optional with the local authorities. A general county law should be passed. The deposit of public funds should be made compulsory. . ." 1 Ja 06, p.8-9

## 2620 Public works. Public improvements

### 2627 Municipal utilities (general)

*See also 1337, Street railways*

- a N. J. Stokes. ". . . Public utility corporations should report, under proper directions, to some state official as to the cost of constructing and extending trolley lines, water, gas, electric light and telephone plants, or pipe lines, as the case might be. Bonded indebtedness and capitalization could then be made upon this basis, with a proper margin for working capital and for such contingencies as the expenses of banking and financing. Legislation to this end I earnestly recommend." 9 Ja 06, p.40

### 2628 Franchises (general)

- a La. Blanchard. "Valuable franchises are too often given away; nothing, or no adequate compensation, received for them. There should be restrictions placed upon municipal councils, boards of aldermen, etc. in this respect." 14 My 06, p.50
- b N. J. Stokes. ". . . If the highways are to be used for business purposes, the people, who own the highways, should be in a position to demand an increased rental as their property becomes more valuable, just as the owner of the business block is able to raise the rent thereon in proportion as increased trade and traffic center about it. . . The passage of a law limiting the right of the governing board of municipalities to grant public franchises for a longer period than 25 years would not only protect the rights of future generations, enable a readjustment of terms according to conditions at the end of this period, but would eliminate the opportunity to grant concessions other than upon strictly business conditions. That this limitation may not restrict enterprises or arrest progress in the rural districts, it might be provided that any ordinance granting a franchise for a longer period than 25 years should be submitted to a vote of the people, with a limitation as to a maximum term of years.

Provision should be made for publicity in the granting of franchises, both with regard to the proper advertising of applications and the preventing of undue haste in the passage of ordinances for such purposes." 9 Ja 06, p.38-39

- c O. Pattison. "Immediate action should be taken by the General Assembly to prohibit any municipality from giving away or selling any franchise of any nature, or from extending any franchise without first submitting it to a vote of the people of said city." 8 Ja 06, p.13

**2629                      Municipal ownership (general)**

- a     O. Pattison. "I desire to call your attention to the interest that is being taken in the subject of home rule for cities, particularly as to the right of each city, town or village at large to decide for itself all questions of local policy, especially those of public or private ownership of all public utilities, including street railways, waterworks and lighting systems. . ."     8 Ja 06, p.12-13

**2633                      Electricity. Gas****2643                      Rates**

- a     N. Y. Higgins. ". . . A careful investigation of the gas problem in New York city by a competent and conscientious legislative committee resulted in the recommendation of an 80-cent rate to be established by law. A prima facie case was made out. The action of the Legislature was subject to judicial review. Yet relief was refused. I urge a further consideration of this question on your part."     3 Ja 06, p.24

**2648                      Water**

*See also 1079, Pollution of water; 1180, Control of water*

**2650                      Municipal works**

- a     N. Y. Higgins. "The present law requires only municipal corporations to submit their plans for sources of water supply to the state board for approval. This provision should be amended so as to include persons and private corporations condemning lands for sources of public water supplies."     3 Ja 06, p.25

**2700                      Roads. Streets**

- a     Miss. Vardaman. "The improvements of the public roads by taxation, or working them with convict labor under the direction of competent state and county officers is one of the pressing necessities of this state. . ."     3 Ja 06, p.29-30

**2702                      State road systems and state aid**

- a     Va. Montague. "My former recommendations respecting the improvement of our common public highways, I renew. . ."     10 Ja 06, p.11
- b     Va. Swanson. ". . . The state should first create a department of roads, equip it with scientific men experienced in road construction, and let this department subsequently submit a practical and comprehensive plan. The state could then extend its aid with the assurance that its money would be intelligently spent and accomplish good results. . ."     1 F 06, p.15

**2723                      Automobiles and motorcycles**

- a     Mass. Guild. "A more effective and uniform regulation of automobiles, and especially of reckless chauffeurs, is desirable. . . Those who make a rational use of a modern vehicle should not

be made subject to petty persecution. . . All fines for over-speeding should be paid to the commonwealth and applied to the repairs of highways." 4 Ja 06, p.20-21

- b N. J. Stokes. ". . . The damage done through the use of these machines [automobiles] to the surface of our macadam and gravel roads should be compensated for and means to prevent reckless driving provided. A graduated license fee for cars might be charged and devoted to the repair of our damaged roadways. . . An automobile capable of running from 50 to 75 miles an hour is granted the right of way upon our streets and highways and is driven in some cases by amateurs who have had little or no experience in the handling and management of such powerful machines, whose eyesight may be defective or who for other reasons may be entirely incapable of appreciating the responsibility they have assumed. It would seem that drivers of automobiles or chauffeurs should be required to have a license, and this license should be revoked upon the violation of its provisions. . . It might be provided that deliberate reckless driving, whether of automobiles or horses, resulting in injury to person or property, should be punished by imprisonment. Vehicles of all kinds using the public highways should be required to carry lights at night for the protection of themselves and the public."

9 Ja 06, p.13-14



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EDWIN H. ANDERSON, Director

Bulletin 110

LEGISLATION 32

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OCTOBER 1, 1905 TO OCTOBER 1, 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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ALBANY

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1907

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*State Library, Albany, N. Y. November 20, 1906*

*Hon. A. S. Draper*

*Commissioner of Education*

DEAR SIR: I have the honor to transmit herewith and recommend for publication the annual Index of Legislation, the 17th of its series. Thirteen regular and seven special legislative sessions were held during the year. Out of a total of 5125 laws passed, 2009 have been listed or briefly digested in the present Index. This includes all general and permanent laws passed during the year but excludes private, local and temporary laws, excepting a few of great general interest. The Index also includes references to 104 statutes that have been declared unconstitutional by the courts during the year and it indicates the result of the vote on 69 constitutional amendments submitted to the people for adoption or rejection.

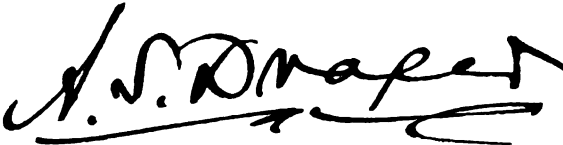
Very respectfully

EDWIN H. ANDERSON

*Director*

*State of New York*  
**Education Department**  
COMMISSIONER'S ROOM

*Approved for publication this*  
*21st day of November 1906*

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a long, sweeping horizontal flourish underneath.

*Commissioner of Education*



New York State Education Department

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# New York State Library

EDWIN H. ANDERSON, Director

Bulletin 110

LEGISLATION 32

## INDEX OF LEGISLATION 1906

OCTOBER 1, 1905 TO OCTOBER 1, 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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### PREFATORY

#### EXPLANATIONS

These must be carefully read to understand the bulletin.

**Scope.** All general permanent laws are included. Private, local and temporary acts, unless of great general interest, are omitted. Many acts general in form but special in their application are also omitted. Private acts applying to particular persons or granting relief to specific public officers and local acts applying to a single political division or to but a small proportion of the political divisions belonging to the same class are omitted. Important local acts other than amendatory, on subjects of general interest, are included. New city charters are included but amendments thereto are omitted. Constitutional amendments both local and general are included. All general appropriation bills are omitted. Special appropriation acts providing for the establishment of a new institution or making some extraordinary appropriation of great general interest are included. Laws providing for the general management and control of a particular state institution are included but those relating to some detail of its administration are omitted. All laws legalizing acts already performed are omitted. Laws of Congress and of the non-contiguous territories of the United States are omitted.

**Method.** Usually but one entry is made for a law. To ascertain what legislation has been passed concerning a subject it is necessary

for the reader to refer also to the more inclusive heads and to observe carefully the cross references. For example, in looking up laws relating to illegal voting, the user, in addition to consulting entries under 155, Illegal voting, must look under 149, Election offenses, and 126, Elections. Laws relating to illegal voting alone are classed under 155, those relating to illegal voting and other offenses under 149, the general head for election offenses and those relating to illegal voting and various other election matters under 126, the general head for elections. In addition the cross reference under 126, Elections, to 2225, School elections, must be observed as illegal voting at school elections would be placed under that head.

The plan is a combination of index and digest. A large portion of the entries simply indicate in the most definite manner practicable the exact subject treated by the law. Many entries, however, digest in a line or two the substance of a law or the exact change made by an amendment. Other entries are a combination of the above forms, partly index, partly digest. The aim always is to convey the greatest amount of information possible within a very limited space. Unimportant laws relating to details of procedure or administration are indexed most briefly.

The exact change made by the amendment is often shown by italics to indicate new matter and by brackets inclosing matter superseded: e. g. salary of Governor \$5000 [\$3000] means that the Governor's salary has been increased from \$3000 to \$5000.

The title of acts other than amendatory is concise and definite, is given either in full or in part. The title is included in quotation marks and is annotated when necessary. The number of sections contained in each law is given to show its length and complexity.

**Citations.** A citation to the act indexed or summarized is set off at the end of the entry. It contains year, chapter number or page, and day and month of approval or passage. The abbreviation ch. is used for chapter and p. for page: e. g. '05 ch. 94, 5 J1; '05 p. 164, 9 My. In all states except Georgia, Alabama, Illinois, Missouri, and Ohio the session laws are numbered consecutively, and references are to chapter.

In North Carolina and Rhode Island where the Governor's approval is not necessary, in a number of states where joint and concurrent resolutions do not require the approval of the Governor and in the case of bills that become laws by the expiration of time without the signature of the Governor, the date of passage by the

## ABBREVIATIONS

Legislature is given. In a few cases the date of passage and approval are both omitted in the session laws, and in these cases the year only is given.

Citations to statutes amended or repealed by the act indexed always begin with the most general part and end with the most specific; e. g. '95 ch. 859 §2; '98 p.78; R. S. '96 t.3 art. 10 §3 ¶4. For abbreviations used in citing compilations of statutes see below.

**Classification.** The classification of the summary is the same as that used in the Digest of Governors Messages and will continue unchanged from year to year, except for insertion of new headings necessitated by new subjects of legislation. The numbers assigned to headings will also remain unchanged so that readers can follow recommendations and laws on any subject by looking under the same marginal number in each bulletin. The numbering corresponds to the consecutive numbering of headings in our card index of legislation 1890 to date. Where there is no legislation this subject number is omitted. The entries under each head are alphabetized by states and each entry is designated by a letter or letters; e.g. b, da.

**Subject index.** This is an alphabetic list of the subjects included. References are to the marginal class and entry numbers.

## ABBREVIATIONS

A.	Atlantic Reporter	C. S.	Compiled statutes
Ag	August	Cal.	California
agric.	agriculture	ch.	chapter
Ala.	Alabama	co.	company
amdg.	amending	Col.	Colorado
amds.	amends	com'n	commission
amdt.	amendment	compt.	comptroller
Ann. L.	Annotated laws	com'r	commissioner
Ann. S.	Annotated statutes	Cong.	Congress
Ap	April	const.	constitution, constitutional
Ari.	Arizona		
Ark.	Arkansas	corp.	corporation
art.	article	Crim. C.	Criminal code
assmt.	assessment	Crim. P.	Code of criminal procedure
ass'n	association		
atty.	attorney	Crim. S.	Criminal statutes
bd	board	Ct.	Connecticut
C.	Code	D	December
C. C.	Civil code	Del.	Delaware
C. C. P.	Code of civil procedure	dep't	department
C. L.	Compiled laws	exam.	examination
C. P.	Code of procedure	F	February

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Fla.	Florida	Nev.	Nevada
G. L.	General laws	O	October
G. S.	General statutes	O.	Ohio
Ga.	Georgia	Okl.	Oklahoma
gen.	general	Or.	Oregon
gov.	governor	P.	Pacific Reporter
gov't	government	P. C.	Political code
Ia.	Iowa	P. S.	Public statutes
Id.	Idaho	Pa.	Pennsylvania
Ill.	Illinois	Pen. C.	Penal code
incorp.	incorporation	pt	part
Ind.	Indiana	r.	resolve
inst.	institution	R. C.	Revised code
Ja	January	R. C. L.	Revised Civil Laws
Je	June	R. I.	Rhode Island
Jul	July	R. L.	Revised laws
Kan.	Kansas	R. S.	Revised statutes
Ky.	Kentucky	rel.	relating
La.	Louisiana	rep.	repealing, repeals
leg.	legislature, legislative	rev.	revising, revises
Mass.	Massachusetts	ry.	railway
Md.	Maryland	S	September
Me.	Maine	S.	Southern Reporter
Mich.	Michigan	S.	Statutes
Minn.	Minnesota	S. C.	South Carolina
misc.	miscellaneous	S. D.	South Dakota
Miss.	Mississippi	S. E.	Southeastern Reporter
Mo.	Missouri	S. W.	Southwestern Reporter
Mon.	Montana	sec.	secretary
Mr	March	soc.	society
msdr.	misdemeanor	subdiv.	subdivision
mun.	municipal	sup't	superintendent
My	May	t.	title
N	November	Tenn.	Tennessee
N. C.	North Carolina	Tex.	Texas
N. D.	North Dakota	U.	Utah
N. E.	Northeastern Reporter	unconst.	unconstitutional
N. H.	New Hampshire	Va.	Virginia
N. J.	New Jersey	Vt.	Vermont
N. M.	New Mexico	W. Va.	West Virginia
N. W.	Northwestern Reporter	Wash.	Washington
N. Y.	New York	Wis.	Wisconsin
Neb.	Nebraska	Wy.	Wyoming



# STATISTICS

## STATISTICS OF LEGISLATION OCTOBER 1, 1905 TO OCTOBER 1, 1906

The sessions are biennial in all states and territories except Ga., Mass., N. J., N. Y., R. I. and S. C. where they are annual and Ala. where they are quadrennial. For list of constitutional amendments see marginal nos. 34-36; for list of court decisions declaring statutes unconstitutional see marginal no. 12.

STATES AND TERRITORIES	DATES		Length in days	No. of laws and resolu- tions	No. of laws and resolu- tions indexed
	of opening	of closing			
Arkansas.....	9 Jan. '05	4 May '05	116	377	103
California (extra).....	2 June '06	12 June '06	11	74	33
Delaware (extra).....	31 May '06	14 June '06	15	0	0
Georgia.....	27 June '06	15 Aug. '06	50	372	57
Illinois (extra).....	10 Apr. '06	16 May '06	37	8	1
Iowa.....	8 Jan. '06	6 Apr. '06	89	273	179
Kentucky.....	2 Jan. '06	13 Mar. '06	70	170	123
(extra).....	14 Mar. '06	26 Mar. '06	13	2	1
Louisiana.....	14 May '06	12 July '06	60	217	122
Maryland.....	3 Jan. '06	2 Apr. '06	90	697	129
Massachusetts.....	3 Jan. '06	29 June '06	178	547	214
Mississippi.....	2 Jan. '06	21 Apr. '06	110	266	38
New Jersey.....	9 Jan. '06	12 Apr. '06	94	342	281
New York.....	3 Jan. '06	3 Apr. '06	91	704	240
Ohio.....	1 Jan. '06	2 Apr. '06	92	236	163
Pennsylvania (extra).....	15 Jan. '06	15 Feb. '06	32	27	18
Rhode Island.....	2 Jan. '06	20 Apr. '06	109	236	72
South Carolina.....	9 Jan. '06	17 Feb. '06	40	225	60
Texas (extra).....	26 Mar. '06	3 Apr. '06	0	5	1
Virginia.....	12 Jan. '06	15 Mar. '06	63	327	160
Wisconsin (extra).....	4 Dec. '05	19 Dec. '05	16	20	16
				5125	2009

The volume of Michigan Local Acts 1905 were received too late to include in the 1905 Index. Nine of the 339 local acts published in that volume are included in the present bulletin.

In Oregon at an election held June 4, 1906, 11 propositions were voted on by the people. One proposition was submitted as the result of a referendum petition and resulted in sustaining the action of the Legislature. Ten propositions were submitted by Initiative petition and of these seven were adopted and three rejected.

<sup>a</sup> The laws of the Delaware special session of 1906 will be published with the laws of the Delaware regular session of 1907. It is understood that but two acts were passed: one relating to corporation reports and entitled "An act to amend 'an act to raise revenue for the state by taxing corporations'"; the other is entitled "An act to provide for the collection of the revenue of the state." These will be indexed in the Index of Legislation, 1907.

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2020	Mines and mining
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- 2700** Roads. Streets



## LAW (GENERAL)

### Statutes

*See also 88, Special laws*

#### Publication of session laws

##### *Publication in newspaper*

- a **Md.** Amdg. C.'04 art.76 §1: general law taking effect prior to June 1 succeeding leg. session, to be published in [4] newspapers in Baltimore, 1 representing minority political party. 1§  
'06 ch.329, 3 Ap

#### Revision and compilation

- a **Ia.** Amdg. '98 ch.1: state bd or com'n may publish extract from laws to be paid for *on certification from Sec. of State* [from dep't appropriation]. 1§  
'06 ch.2, 5 Ap
- b **Miss.** Adopting Miss. Code of 1906; publication and distribution. 13§  
'06 ch.101, 21 Ap
- c **O.** Com'n of 3 members to be appointed by Gov. to revise statute law; salary \$5000; revision to be submitted to Leg. January 1908. 6§  
'06 p.221, 2 Ap
- d **R. I.** Com'n to be appointed to consolidate statutes; completion of work within 2 years; \$9000. 8§  
'06 ch.1363, 20 Ap
- e **Va.** Adopting Pollard's Code of 1904 as official edition. 1§  
'06 ch.20, 15 F

#### Statutes declared unconstitutional

By highest court of state or of United States. Entries under this head are duplicated under the specific subject of the law declared unconstitutional.

- a **Ala.** Declaring unconst. C.'96 §5087 in so far as it prohibits residents of other states soliciting orders for spirituous liquors to be transported into the state. Interferes with interstate commerce.  
Moog v. State 41 S. 166 (1906)
- b **Ark.** Declaring invalid amdt. to Const. 1874 art.6 §23 submitted by laws of 1893 p.360 and voted on in Sept. 1894, permitting Gov. to fill vacancies in state, district, county and township offices. Failed to receive majority of all votes cast at election.  
Rice v. Palmer 96 S. W. 396 (1906)
- d **Ark.** Declaring unconst. S.'04 §6217 rel. to setting aside of verdict by circuit judge on motion for new trial. Confers appellate jurisdiction on Circuit Court in violation of Const. art.7 §4.  
St Louis & N. A. R. Co. v. Mathis 91 S. W. 763 (1905)
- e **Ark.** Declaring unconst. '05 ch.328 conferring upon Chancery Court jurisdiction to determine primary election contests. Violates art.7 §1 of state Const. Hester v. Bourland 95 S. W. 992 (1906)

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- f** Cal. Declaring unconst. P.C. §3495 defining land suitable for cultivation as affecting Const. art. 17 §3 rel. to granting of lands suitable for cultivation to settlers. Limits effect of const. provision.  
Robinson v. Eberhart 83 P. 452 (1906)
- g** Cal. Declaring invalid '01 ch. 51 rel. to practice of medicine in so far as it authorizes bd of medical examiners to revoke physician's certificate for "grossly improbable statements" in medical advertisement. Too indefinite.  
Hewitt v. Bd of Medical Examiners 84 P. 39 (1906)
- h** Cal. Declaring unconst. '01 ch. 234 §31 rel. to compensation of justices of peace in townships of 27th class counties. Special legislation.  
Johnson v. Gunn 84 P. 370 (1905)
- i** Cal. Declaring unconst. '03 ch. 251 §1 rel. to marking packages of fruit to be shipped. Not within police power.  
Ex parte Hayden 82 P. 315 (1905)
- j** Cal. Declaring unconst. '05 ch. 69 prohibiting use of trading stamps. Not within police power.  
Ex parte Drexel 82 P. 429 (1905)
- k** Cal. Declaring unconst. '05 ch. 140 prohibiting sale of ticket to theater or other public places of amusement for price higher than originally charged. Not valid exercise of police power.  
Ex parte Quarg 84 P. 766 (1906)
- n** Cal. Declaring unconst. '05 ch. 302 requiring package of butter of certain weight to have weight marked thereon. Not valid exercise of police power.  
Ex parte Dietrich 84 P. 770 (1906)
- p** Cal. Declaring unconst. '05 ch. 354 rel. to interest on chattel loans. Class legislation.  
Ex parte Sohncke 82 P. 956 (1905)
- q** Col. Declaring unconst. the charter of "city and county of Denver" in so far as it increases number of judges of county court and changes time of their election and that of certain other county officers. Charter convention exceeded authority conferred by Const. art. 20.  
People v. Johnson 86 P. 233 (1905)
- r** Col. Declaring unconst. portion of '03 ch. 112 §3 17 providing that public shall have right to fish in streams stocked at public expense subject to actions for trespass. Takes property without due process of law and conflicts with acts of Cong.  
Hartman v. Tresise 84 P. 685 (1905)
- s** Ct. Declaring unconst. G.S. '02 §3718, 3747 rel. to abolition of grade crossings. Usurps administrative powers of railroad com'rs.  
Appeal of Spencer 61 A. 1010 (1905)
- t** Fla. Declaring unconst. '95 ch. 95 in so far as it prohibits gathering turpentine from timber sold for taxes. Subject not expressed in title.  
Ex parte Knight 41 S. 786 (1906)
- u** Fla. Declaring unconst. '05 ch. 49 rel. to separate accommodations by street car companies for white and colored passengers. Class legislation.  
State v. Patterson 39 S. 398 (1905)
- v** Ga. Declaring unconst. '05 p. 425 §3, 4 providing for levying and collection of a local tax for school districts. Imposes nonuniform tax.  
Brown v. Southern Ry. Co. 54 S. E. 729 (1906)

# UNCONSTITUTIONAL STATUTES

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- w** **Id.** Declaring unconst. '03 p.94 in so far as it extends the jurisdiction of Probate Court to actions to enforce liens upon real and personal property. Violates art.5 §21 of state Const.

*Dewey v. Schreiber Implement Co.* 85 P. 921 (1906)

- wa** **Id.** Declaring unconst. '05 p.36 rel. to foreign corporations doing business in state. Subject not expressed in title.

*Katz v. Herrick* 86 P. 873 (1906)

- wb** **Ill.** Declaring invalid '01 p.207 §2 rel. to salary of state's atty. for Cook county. Informality in passage.

*People v. Olsen* 78 N. E. 23 (1906)

- wc** **Ill.** Declaring unconst. '03 p.87 authorizing levy of assmts. for destruction of noxious weeds against owner of land in townships in which bd of town auditors has been abolished. Imposes an unequal tax and not based upon valuation.

*People v. Bd of Com'rs* 77 N. E. 914 (1906)

- wd** **Ill.** Declaring unconst. '03 p.252 requiring owners or operators of coal mines to provide washrooms for miners to be available also for drying clothes. Special legislation.

*Starne v. People*, 78 N. E. 61 (1906)

- we** **Ill.** Declaring invalid '05 p.186 rel. to jurisdiction of Probate Courts and County Courts having probate jurisdiction. Informality in passage.

*Lynch v. Hutchinson* 76 N. E. 370 (1905)

- wf** **Ill.** Declaring unconst. '05 p.211 rel. to primary elections. Interferes with freedom of elections.

*People v. Bd of Election Com'rs* 77 N. E. 321 (1906)

- wg** **Ill.** Declaring unconst. '05 p.285 rel. to garnishment of salary and wages of officers and employees of counties, cities, villages and school districts. Takes property without due process of law, class legislation and violates art.4 §13 of state Const.

*Badenoch v. City of Chicago* 78 N. E. 31 (1906)

- wh** **Kan.** Declaring unconst. '93 ch.66 §2 rel. to detachment of vacated town sites from city of which a part. Authorizes change of boundary of city by special law in violation of Const. art.12 §1.

*Davenport v. Ham* 83 P. 398 (1905)

- wi** **Kan.** Declaring unconst. '01 ch.233 rel. to investigation of violations of prohibitory law. Violates art.2 §15 of state Const.

*State v. Carter* 86 P. 138 (1906)

- wj** **Ky.** Declaring invalid '00 ch.29 amdg. '98 ch.38 rel. to assmt. for taxation of corporate franchises by cities of 1st and 2d class in so far as it relates to cities of 3d class. Defective title.

*Henderson Bridge Co. v. Alves* 90 S. W. 995 (1906)

- wk** **Ky.** Declaring unconst. '04 ch.85 rel. to maintenance by inst. of learning of separate branches for white and colored persons in so far as it fixes a minimum distance of 25 miles. Not within police power.

*Berea College v. Commonwealth* 94 S. W. 623 (1906)

- wn** **La.** Declaring invalid '94 ch.190 rel. to contempts. Vetoed by Gov. and returned within time required by Const.

*Fellman v. Mercantile Fire & Marine Ins. Co.* 41 S. 49 (1906)

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**wp Md.** Declaring unconst. '96 ch.246 conferring upon Orphans Court jurisdiction to administer estates of absentees without proof of death in case of absence for more than 7 years. Takes property without due process of law.  
     *Savings Bank of Baltimore v. Weeks* 64 A. 295 (1906)
- wq Md.** Declaring invalid '04 ch.212 rel. to payment of franchise tax by savings banks. Defective title.  
     *State v. German Savings Bank* 63 A. 481 (1906)  
     *Fidelity Savings Bank v. State* 63 A. 484 (1906)
- wr Mass.** Declaring unconst. '04 ch.403 §1 rel. to tax on business of selling or giving trading stamps on sale of articles. Class legislation.  
     *O'Keefe v. City of Somerville* 76 N. E. 457 (1906)
- ws Mich.** Declaring unconst. '01 ch.128 providing that owner of land sold for taxes who fails to bring action to establish his title within 6 months after service of notice to redeem is estopped. Takes property without due process of law.  
     *O'Conner v. Carpenter* 107 N. W. 913 (1906)
- wt Mich.** Declaring unconst. '05 ch.214 providing for licensing transient merchants but giving any municipality power to suspend the act in any specific instance. Denies equal protection of the laws.  
     *Brown v. Stuart* 108 N. W. 717 (1906)
- wu Mich.** Declaring unconst. '05 ch.245 reapportioning the senatorial districts. Not based upon population.  
     *Williams v. Secretary of State* 108 N. W. 749 (1906)
- wv Mich.** Declaring unconst. '05 ch.312 rel. to Juvenile Courts. Extends const. jurisdiction of court com'rs in certain counties.  
     *Hunt v. Wayne Circuit Judges* 105 N. W. 531 (1905)
- wx Minn.** Declaring unconst. '01 ch.101 rel. to number of liquor licenses in places on patrol limits in cities over 50,000. Class legislation.  
     *State v. Schrap* 106 N. W. 106 (1906)
- wy Miss.** Declaring unconst. R.C.'80 §1073 and '90 ch.4 prescribing conditions on which foreign insurance companies may do business in state, in so far as it prohibits foreign insurance company not doing business in state from suing in state for collection of premium. Impairs obligation of contracts.  
     *Swing v. Brister & Co.* 40 S. 146 (1906)
- wz Miss.** Declaring unconst. '04 ch.76 imposing license tax on business of money lending on personal securities. Class legislation.  
     *Rodge v. Kelly* 40 S. 552 (1906)
- x Mo.** Declaring unconst. R.S.'89 §8427 rel. to voting for or against township organization. Conflicts with art.9 §8 of state Const.  
     *State v. Gibson* 94 S. W. 513 (1906)
- xa Mo.** Declaring unconst. R.S.'99 §2413 rel. to place of trial for offense committed on vessel or railroad car. Authorizes indictment, trial and conviction in county other than where offense committed.  
     *State v. Anderson* 90 S. W. 95 (1905)

# UNCONSTITUTIONAL STATUTES

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- xb Mo.** Declaring unconst. '99 p.215 changing compensation of justices of peace in cities of 15,000 to 35,000 (which embraces but 1 city) from fees to salary. Special legislation.

*State v. Messerly* 95 S. W. 913 (1906)

- xc Mo.** Declaring unconst. Const. amdt.'99 p.381 authorizing levy of special road and bridge tax by County Courts or township bds, cities of St Louis, Kansas City and St Joseph excepted. Denies equal protection of laws.

*State v. Chicago B. & Q. R. Co.* 93 S. W. 784 (1906)

- xd Mo.** Declaring unconst. '05 p.158 gen. game and fish law in so far as it provides for the disposition of fines and penalties. Violates art.11 §8 of state Const. *State v. Warner* 94 S. W. 962 (1906)

- xe Mon.** Declaring unconst. C.C. §611 rel. to taxation of trust deposit and security corporations. Imposes unequal tax.

*Daly Bank & Trust Co. v. Bd of Com'rs* 81 P. 950 (1905)

- xf Mon.** Declaring unconst. Pen.C. §321 rel. to combinations fixing price of articles of commerce and Pen.C. §325 exempting persons engaged in horticulture and agric. Deny equal protection of laws.

*State v. Cudahy Packing Co.* 82 P. 833 (1905)

- xg Mon.** Declaring unconst. '01 p.80 §25 authorizing bd of county com'rs to build detention hospital. Subject not expressed in title.

*Yegen v. Bd of Com'rs* 85 P. 740 (1906)

- xh Mon.** Declaring invalid '01 p.157 rel. to statute of limitations. Informality in passage.

*Palatine Ins. Co. v. Northern Pacific Ry. Co.* 85 P. (1906)

- xi Mon.** Declaring unconst. '05 ch.3 §5 rel. to issue of bonds for State Normal School and requiring State Treasurer to apply fund from sale of lands and timber to payment of principal and interest of bonds. Const. art.11 §12 requires such funds to be invested and income only used for school.

*State v. Rice* 83 P. 874 (1906)

- xj Mon.** Declaring unconst. '05 ch.55 authorizing construction of telegraph, telephone and electric light or power lines in so far as its application is limited to the country districts of the state. Special legislation. *State v. Mayor of City of Helena* 85 P. 744 (1906)

- xk Neb.** Declaring invalid '87 ch.14 rel. to cities of 2d class over 5000. Amds. law declared unconst.

*City of Plattsmouth v. Murphy* 105 N. W. 293 (1905)

- xn Neb.** Declaring unconst. '95 ch.1 rel. to sugar and chicory bounty. Pledges public money for private purposes.

*Oxnard Beet Sugar Co. v. State* 105 N. W. 716 (1905)

- xp Neb.** Declaring unconst. Cobbey's Ann.S.'03 §7172 in so far as it authorizes taxation of costs against complaining witness, unless the court sustains finding of probable cause for complaint.

*Teats v. Fox* 106 N. W. 779 (1906)

- xq Neb.** Declaring unconst. '05 ch.47 rel. to election of register of deeds and extending terms of office. Leg. can not appoint county officers nor by act solely for that purpose extend terms of such officers.

*State v. Plasters* 105 N. W. 1092 (1905)

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- xr** **Neb.** Declaring unconst. '05 ch.66 rel. to primary election in so far as it relates to registration of voters and ballots at gen. elections and payment by candidate at primary of fee for filing nomination. Defective title and restriction on elective franchise.  
State v. Drexel 105 N. W. 174 (1905)
- xs** **Neb.** Declaring unconst. '05 ch.82 §7 in so far as it imposes conditions upon discharge of dipsomaniacs, inebriates and persons addicted to use of narcotic drugs from Hospital for Insane after cure. Violates right of personal liberty.  
Ex parte Schwarting 108 N. W. 125 (1906)
- xt** **Neb.** Declaring invalid '05 ch.176 prescribing method of selecting juries in counties under 30,000. Method provided is impossible of execution.  
State v. Reneau 106 N. W. 451 (1905)
- xu** **Nev.** Declaring unconst. '73 ch.121 §59-62 rel. to removal of officer for malfeasance. Defective title.  
Bell v. 1st Judicial District Court 81 P. 875 (1905)
- xv** **N. J.** Declaring unconst. G.S.'95 p.2336 §2 rel. to actions against joint debtors and providing that judgment may be entered against parties not served. Takes property without due process of law.  
U. S. v. Griefen 62 A. 993 (1906)
- xw** **N. J.** Declaring unconst. '05 ch.76 rel. to appointment of police com'rs in cities of 2d class under 100,000. Special legislation.  
State v. Nealon 62 A. 182 (1905)
- xy** **N. Y.** Declaring unconst. '87 ch.688 prohibiting any person from making the employment of another conditional on the employee not becoming a member of a labor organization. Abridges right of contract.  
People v. Marcus 77 N. E. 1073 (1906)
- xz** **N. Y.** Declaring unconst. '01 ch.494 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const.  
In re Brooklyn Q. C. & S. R. Co. 77 N. E. 994 (1906)
- y** **N. Y.** Declaring unconst. '01 ch.508 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const.  
In re Brooklyn Q. C. & S. R. Co. 77 N. E. 994 (1906)
- ya** **N. Y.** Declaring unconst. '02 ch.528 rel. to sale of merchandise out of usual course of business or in bulk. Abridges right to contract in manner not within police power.  
Wright v. Hart 75 N. E. 404 (1905)
- yb** **N. C.** Declaring unconst. '87 ch.46 rel. to construction of railroad over private land for removal of timber, so far as it authorizes construction for exclusive use of owner of timber. Takes private property for private use.  
Cozad v. Kanawha Hardwood Co. 51 S. E. 932 (1905)
- yc** **N. D.** Declaring unconst. '05 ch.62 §124 in so far as it requires county treasurer to pay to cities organized under gen. law the interest and penalties on city and city school taxes collected by him. Class legislation.  
State v. Mayo 108 N. W. 36 (1906)

# UNCONSTITUTIONAL STATUTES

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**yd** N. D. Declaring unconst. '05 ch.166 rel. to Capitol com'n. Contains unwarranted delegation of leg. powers.

State v. Budge 105 N. W. 274 (1905)

**ye** O. Declaring unconst. R.S. §3891-92 as amended by '04 p.334 rel. to school law in so far as they declare to be legal special school districts created under special acts.

Bartlett v. State 75 N. E. 939 (1905)

**yf** O. Declaring unconst. '85 p.152 rel. to assmt. of taxes and applicable to only 4 counties of the state. Special legislation.

State v. Lewis 78 N. E. 523 (1906)

**yg** O. Declaring unconst. '88 p.170 rel. to assmt. of taxes and exempting 4 counties of state from its operation. Special legislation.

State v. Lewis 78 N. E. 523 (1906)

**yh** Or. Declaring unconst. '03 (ex.sess.) p.28 §8 rel. to householders exemptions from taxation. Conflicts with art.9 §1 of state Const, requiring uniform and equal rate of taxation.

Wallace v. Bd of Equalization 86 P. 365 (1906)

**yi** Or. Declaring unconst. '05 ch.156 taxing all foreign sheep coming into state for pasturage or being driven through the state. Imposes an unequal and nonuniform tax.

Reser v. Umatilla County 86 P. 595 (1906)

**yj** Or. Declaring unconst. '05 ch.162 rel. to taxation of live stock pastured in more than one county during the year. Imposes unequal tax.

Lake County v. Schroder 81 P. 942 (1905)

**yk** Pa. Declaring unconst. '95 ch.233 rel. to adulteration of food. Defective title.

Commonwealth v. Kebort 61 A. 895 (1905)

**yn** Pa. Declaring unconst. '05 ch.161 rel. to annexation of smaller contiguous city to larger in same county. Special legislation.

Sample v. City of Pittsburg 62 A. 201 (1905)

**yp** S. C. Declaring unconst. '04 ch.252 exempting Confederate veterans who enlisted from the state from license for carrying on any business. Denies equal protection of laws.

City of Laurens v. Anderson 55 S. E. 136 (1906)

**yq** S. D. Declaring unconst. Crim.P. §586 in so far as it makes the granting of bail discretionary in a capital case where the proof is not evident or presumption great. Conflicts with state Const. art.6 §8.

State v. Kauffman 108 N. W. 246 (1906)

**yr** S. D. Declaring unconst. '99 ch.41 §3 rel. to levy and limitation of county taxes. Impairs obligation of contracts.

Fremost v. Pennington County 105 N. W. 929 (1905)

**ys** S. D. Declaring unconst. '05 ch.114 §11 rel. to adulteration and branding of foods. Unreasonable interference with interstate and foreign commerce.

Jewett v. Smail 105 N. W. 738 (1905)

**yt** Tenn. Declaring unconst. C. §7423 rel. to deduction by com'rs of county workhouse from period of sentence of prisoner for good behavior. Unconst. delegation of leg. authority.

Fite v. State 88 S. W. 941 (1905)

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- yu Tenn.** Declaring unconst. '03 ch.258 §25 in so far as it exempts state bonds from assmt. in assessing the shares of stock in corporations. Imposes a nonuniform and unequal tax.  
State Nat. Bank *v.* City of Memphis 94 S. W. 606 (1906)
- yv Tenn.** Declaring unconst. '05 ch.82 prohibiting gambling on races and other gambling. Subject not expressed in title.  
State *v.* Hayes 93 S. W. 98 (1906)
- yw Tex.** Declaring unconst. R.S.'95 art.1096 in so far as it provides a method of determining whether a county is entitled to more than 1 clerk. Conflicts with art.8 §16 of state Const.  
Brooke *v.* Dulaney 93 S. W. 997 (1906)
- yx Tex.** Declaring unconst. Pen.C.'95 art.402 as amended by '03 ch.40 rel. to prohibited sale of liquor and seizure thereof. Takes property without due process of law.  
Beavers *v.* Goodwin 90 S. W. 930 (1905)
- yz Tex.** Declaring unconst. R.S.art.4497-5000 requiring railroad to furnish cars within 6 days. Not within police power and interferes with interstate commerce.  
Houston & Texas C. R. Co. *v.* Mayes 201 U. S. 321 (1906)
- z Tex.** Declaring invalid '01 ch.117 prohibiting ry. companies from permitting Johnson grass or Russian thistles from going to seed on right of way and providing penalty, in so far as it authorizes recovery of damages. Defective title.  
Gulf C. & S. F. Ry. Co. *v.* Stokes 91 S. W. 328 (1905)
- za Vt.** Declaring unconst. S. §5417 form 49 prescribing form for indictment. Does not sufficiently inform accused of nature of accusation.  
State *v.* Webber 62 A. 1018 (1906)
- zb Vt.** Declaring unconst. '02 ch.90 §21 rel. to sale of native wines and cider in so far as it discriminates against products of other states. Denies equal protection of laws.  
State *v.* Hazelton 63 A. 305 (1906)
- zc Vt.** Declaring unconst. '02 ch.112 and S. §4663 rel. to practice of pharmacy. Class legislation. State *v.* Abraham 61 A. 766 (1905)
- zd Va.** Declaring unconst. C.'87 §3373 rel. to presumption of death on absence from state for 7 years when construed with C.'87 §2253, 2639 providing for administration of absentee's property without his knowledge or notice. Takes property without due process of law.  
Selden's Ex'r *v.* Kennedy 52 S. E. 635 (1906)
- ze Va.** Declaring invalid '03 ch.388 rel. to assmt. of land. Defect in passage.  
Whitlock *v.* Hawkins 53 S. E. 401 (1906)
- zf Wash.** Declaring unconst. Ballingers Ann. C. and S.'97 §5254 authorizing waiver of homestead exemptions. Violates art.19 of state Const.  
Slyfield *v.* Willard 86 P. 392 (1906)
- zg Wash.** Declaring unconst. '90 p.128 "an act for the protection of builders and declaring an emergency." Subject not expressed in title.  
State *v.* Clark 86 P. 1067 (1906)



## COMPARATIVE LEGISLATION

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**zh** **Wash.** Declaring unconst. '03 ch.115 providing for construction of state armories at Tacoma, Seattle and Spokane. Special legislation.

*Terry v. King County* 86 P. 210 (1906)

**zi** **Wash.** Declaring unconst. '03 ch.123 rel. to connivance at prostitution, soliciting same or accepting earnings of prostitutes. Defective title.

*State v. Poole* 84 P. 727 (1906)

**zj** **Wash.** Declaring unconst. '05 ch.66 rel. to licensing of plumbers, creating bd of plumbing examiners and making it a crime to engage in business without license. Not within police power.

*State v. Smith* 84 P. 851 (1906)

**zk** **Wash.** Declaring unconst. '05 ch.124 §2 fixing weight of standards etc. used in cars for shipment of lumber at 1000 lbs and requiring such weight to be deducted from net weight of lumber shipped. Takes property without due process of law.

*State v. Great Northern Ry. Co.* 86 P. 1056 (1906)

**zn** **Wash.** Declaring unconst. '05 ch.178 §5 rel. to Com'r of Drainage Districts. Subject not expressed in title.

*State v. Superior Court* 85 P. 264 (1906)

**zp** **Wash.** Declaring unconst. '05 p.372 rel. to license tax on peddling or sale by sample after shipment to state of certain articles. Class legislation. Impairs privileges and immunities of citizens of other states.

*Bacon v. Locke* 83 P. 721 (1906)

**zq** **Wis.** Declaring unconst. '01 ch.268 requiring promissory notes given for patent right to contain consideration and providing penalty for failure to comply with statute. Conflicts with U. S. Const. art.1 §8 rel. to inventions and U. S. Revised Statutes §4808.

*J. H. Clark Co. v. Rice* 106 N. W. 231 (1906)

**zr** **Wis.** Declaring unconst. '03 ch.229 rel. to reincorp. into stock corporations of mutual fire insurance companies. Impairs obligation of contracts and takes property without due process of law.

*Huber v. Martin* 105 N. W. 1031 (1906)

**zs** **Wy.** Declaring unconst. R.S.'99 §897-900 rel. to condemnation of land for irrigation ditches. Takes property without due process of law and takes private property for a private purpose.

*Sterritt v. Young* 82 P. 946 (1905)

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## Comparative legislation

**a** **Md.** Creating Dep't of Legislative Reference of Baltimore: to consist of mayor, city solicitor, presidents of Johns Hopkins Univ., of Municipal Art Society and of Merchants' and Manufacturers' Ass'n of Baltimore city; to employ statistician as executive officer at \$2000 or more; to collect data on leg. subjects and aid in preparation of bills on request of mayor, council or head of city dep't. Adds C. of Public Local Laws art.4 §208 A-C. 3§ '06 ch.569, 9 Ap

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## CONSTITUTIONAL LAW

This and 750, Administrative law, make up what is commonly known as the Political Code.

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### Boundary jurisdiction

- a **Ark.** Extending western boundary line over strip of Choctaw nation. 1§ '05 ch.41, 16 F
- b **Ga.** Ceding to U. S. exclusive jurisdiction over lands heretofore ceded or which may be required for federal buildings, for all purposes except service of criminal and civil process of state courts. 4§ '06 p.126, 18 Ag
- c **Md.** "An act to protect monuments and stakes employed in marking state and county boundary lines." . . . 4§ '06 ch.782, 5 Ap
- d **Mass.** "An act rel. to boundary line of commonwealth." 2§ '06 ch.146, 9 Mr
- e **R. I.** Com'n or com'r to be appointed by Gov. to cooperate with Bd of Harbor and Land Com'rs of Mass. in inspecting and restoring all monuments and other marks defining the boundaries between R. I. and Mass. '06 r.5, 12 Ap
- f **S. C.** Msdr. to remove or deface state line marks. 2§ '06 ch.47, 23 F

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### *Cessions to United States*

- a **Md.** Ceding to U. S. exclusive jurisdiction over certain lands acquired for public purposes. 3§ '06 ch.743, 5 Ap

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## Constitutions

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### Revision

- a **Md.** Question of calling const. convention to be submitted to vote Nov. 1907. 2§ '06 ch.786, 5 Ap
- b **Or.** Amdg. Const. 1857 art.17 §1, 2: calling on const. convention to be submitted to referendum vote. 1§. Adopted on initiative petition June 4, 1906.

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### Amendments

- a **Fla.** Amdg. Const. 1885 art.17 §1: const. amdt. after passage by Leg. to be published for 3 months [1] preceding next gen. election of representatives; amdt. to be part of Const. from date of adoption. 1§. Rejected Nov. 1906. '05 p.438, 6 Je
- b **Or.** Amdg. Const. 1857 art.17 §1, 2: amdts. to Const., proposed by Leg. or initiative petition, to be submitted to vote at next gen. election, unless special one ordered by Leg.; majority of votes cast on each amdt. sufficient for adoption. 1§. Adopted on initiative petition June 4, 1906.

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## Amendments pending

Amendments acted on during current year are duplicated under the special subjects to which they pertain. This list includes all pending amendments whether acted on during the current or previous years.

- a **Ct.** Referring to Leg. of 1907 constitutional amdt. in form of revision of Const. 14p. '05 p.553, 19 Jl
- b **Del.** Referring to Leg. of 1907 amdt. to Const. 1897 art.5 §4: voter not required to pay registration fee to qualify. 1§ '05 ch.4, 30 Mr
- c **Ia.** Referring to Leg. of 1907 amdt. to Const. 1857 art.1 §18: Leg. may regulate construction of drains etc. across private lands, provide for organization of drainage districts and maintenance of drains and define procedure. 1§ '06 p.210, 10 Ap
- d **Ky.** Submitting amdt. to Const. 1891 §145 by adding §14: voter must have paid state, county, mun., district and school taxes of previous year 60 days prior to election. 1§. Vote Nov. 1907. '06 ch.55
- e **Mass.** Referring to Leg. of 1907 amdt. to Const. 1780 by adding article of amdt.: Gov. with consent of Council may remove justices of peace and notaries public. '06 p.843, 3 Ap
- f **Nev.** Referring to Leg. of 1907 amdt. to Const. 1864 art.11 §3: school funds may be invested in bonds of any city or county in U. S. 1§ '05 p.277, 13 Mr
- g **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.7 §7: Leg. may authorize construction of water storage dams in forest preserve for public purposes. '06 p.1895, 3 My
- h **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.12 §2 rel. to classification of cities: 1st class comprises cities of 175,000 [250,000] or more; 2d class 50,000 to 175,000 [250,000]; 3d class under 50,000. '06 p.1896, 2 My
- i **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.8 §10: debts incurred for water supply by cities of 2d class after Jan 1, 1908 not to be included within const. limit of indebtedness. '06 p.1897, 1 My
- j **N. D.** Referring to Leg. of 1907 amdt. to Const. 1889 §162: school funds may be invested in drainage bonds or bonds of states not having repudiated indebtedness. 1§ '05 ch.101, 25 F; '05 p.351, 25 F
- k **N. D.** Referring to Leg. of 1907 amdt. to Const. 1889 §158 rel. to sale of school lands; provisos. 1§ '05 ch.350, 6 Mr
- n **N. D.** Referring to Leg. of 1907 amdt. to Const. 1889 §89: Supreme Court to consist of 5 [3] judges. 1§ '05 p.351, 6 Mr
- p **O.** Submitting amdt. to Const. 1851 art.2 by amending and dividing §16 into §16 and 18, also renumbering §18-32 as §19-33: reading of bill on final passage; Governor's veto. 2§. Vote Nov. 1908. '06 p.412, 20 Mr

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- q O. Submitting amdt. to Const. 1851 art.2 §25: regular leg. session to commence on 1st Monday in Jan. [biennially in even years] *next after it is chosen*. Vote Nov. 1908. '06 p.413, 20 Mr
- r S. C. Submitting amdt. to Const. 1895 art.3 §9: sessions of Leg. after 1906 to be held biennially [annually]. Adopted Nov. 1904 but not ratified by Leg. of 1905. '04 ch.383, 11 F
- s S. C. Amdg. Const. 1895 art.8 §7: city of Bennettsville may increase bonded indebtedness beyond 8% of taxable property for establishment and maintenance of waterworks or sewerage plant on submission to popular vote. 1§. Adopted by people Nov. 1906 but must be ratified by Leg. '06 ch.198, 23 F
- t Wis. Referring to Leg. of 1907 amendment to Const. 1848 art.8 §1: Leg. may provide for graduated income tax. '03 p.776; '05 p.992
- u Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.8 §10: state may appropriate money or levy tax for construction or improvement of public highways. '05 p.991
- v Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.3 §1 ¶12: qualified electors to include [white] persons of foreign birth declaring intention to become citizens *prior to Dec. 1, 1908; proviso*. '05 p.994
- w Wis. Referring to Leg. of 1907 amdt. to Const. 1848 art.5 §10: bill not returned by Gov. within 6 [3] days to become law; *proviso*. '05 p.994

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## Amendments adopted

The entries under this head are duplicated under the special subjects to which they pertain.

- a Ark. Amdg. Const. 1874 art.14 §3: Leg. may authorize school district to levy tax of 7 [5] mills. 1§. Adopted Sept. 1906. '05 p.833, 2 Mr
- b Cal. Amdg. Const. 1879, art.11 by adding §16½: regulating public depositories; security; apportionment. 1§. Adopted Nov. 1906. '05 p.1062, 7 Mr
- c Cal. Amdg. Const. 1879 art.20 §16: provision of mun. charter to control tenure of office of employees. 1§. Adopted Nov. 1906. '05 p.1063, 7 Mr
- d Cal. Amdg. Const. 1879 art.11 §8: city of 3500 may adopt new charter. 1§. Adopted Nov. 1906. '05 p.1064, 8 Mr
- e Cal. Amdg. Const. 1879 art.11 by adding §13½: public bond may be made payable in any place in U. S. 1§. Adopted Nov. 1906. '05 p.1067, 10 Mr
- f Cal. Amdg. Const. 1879 art.6 §17 rel. to salary of Superior and Supreme Court judge. 1§. Adopted Nov. 1906. '05 p.1069, 10 Mr
- i Cal. Amdg. Const. 1879 art.9 by adding §13 exempting Cogswell Polytechnical College from taxation; Leg. may revive or modify at will. 1§. Adopted Nov. 1906. '05 p.1072, 10 Mr
- p Cal. Amdg. Const. 1879 repealing art.13 §5 which declared illegal all contracts for the payment by the mortgagor of the tax upon the mortgage. Adopted Nov. 1906. '06 p.90, 12 Je

# CONSTITUTIONS AMENDMENTS ADOPTED

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- q** **Cal.** Amdg. Const. 1879 art.11 §18: city and county of San Francisco, city of San José and town of Santa Clara may defer accumulation of sinking fund till not exceeding  $\frac{1}{4}$  of time till maturity of indebtedness which shall not exceed 75 years. Adopted Nov. 1906. '06 p.91, 12 Je
- s** **Col.** Amdg. Const. 1876 art.7 §8: voting machines may be used providing secrecy is assured; bonds may be issued to purchase. 3§. Adopted Nov. 1906. '05 ch.84, 10 Ap
- u** **Ga.** Amdg. Const. 1877 art.6 §1, 2: jurisdiction of Supreme Court revised; Court of Appeals established; its jurisdiction defined; officers. 7§. Adopted Oct. 1906. '06 p.24, 31 Jl
- v** **Ga.** Amdg. Const. 1877 art.11 §1 ¶2 creating county of "Ben Hill": boundaries; county site; officers; election of. 3§. Adopted Oct. 1906. '06 p.28, 31 Jl
- w** **Ga.** Amdg. Const. 1877 art.6 §3 ¶1: Leg. may increase or reduce number of judges of Superior Court for each circuit. 5§. Adopted Oct. 1906. '05 p.66, 22 Ag
- xf** **Id.** Amdg. Const. 1889 art.7 §9: state tax rate on real and personal property limited to 1% of assessed valuation [maximum rate graded according to total valuation] except on majority vote at gen. election. 2§. Adopted Nov. 1906. '05 p.441, 2 Mr
- xg** **Kan.** Amdg. Const. 1859 art.15 §4: State Printer to be elected in Nov. 1906 and every 2 years thereafter [appointed by Leg. in joint session]. 2§. Adopted Nov. 1904.  
Passed Feb. 19, 1903. Printed in 1905 Laws as ch.545
- xi** **Kan.** Amdg. Const. 1859 art.12 §2: stockholder in corp. liable to, [additional] amount of [equal to] stock owned. 2§. Adopted Nov. 1906. '05 ch.542, 27 Ja
- xj** **Kan.** Amdg. Const. 1859 art.2 §17: courts to determine whether law is repugnant to const. provision against special laws. 2§. Adopted Nov. 1906. '05 ch.543, 20 Ja
- xk** **Kan.** Amdg. Const. 1859 art.3 §8: Leg. may provide for appointment of judge pro tem. in absence or disability of probate judge; probate judge may receive salary and clerk. 2§. Adopted Nov. 1906. '05 ch.544, 22 F
- xn** **La.** Amdg. Const. 1898 art.315-17 authorizing city of New Orleans to issue \$200,000 of school teachers salary bonds. Adopted Nov. 1906. '06 ch.2 §7-8, 11 Je
- xp** **La.** Amdg. Const. 1898 art.256: removing limitation on appropriation to La. Industrial Institute. 2§. Adopted Nov. 1906. '06 ch.3, 11 Je
- xq** **La.** Amdg. Const. 1898 art.309: assessors and tax collectors for New Orleans to be *elected* [appointed by Gov.]. 2§. Adopted Nov. 1906. '06 ch.8, 22 Je
- xr** **La.** Amdg. Const. 1898 art.109 rel. to District Courts; unexpired term of 1 year filled by *special election* [appointment]; additional judge in 1st district. 4§. Adopted Nov. 1906. '06 ch.12, 22 Je

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- 35  
**xs** La. Amdg. Const. 1898 art.210, to make women eligible for factory inspector. 1§. Adopted Nov. 1906. '06 ch.13, 22 Je  
**xt** La. Amdg. Const. 1898 to authorize New Orleans to issue \$8,000,000 of public improvement bonds. 12§. Adopted Nov. 1906. '06 ch.19, 25 Je  
**xu** La. Amdg. Const. 1898 art.97: salary of Atty. Gen. \$5000 [\$3000]. 3§. Adopted Nov. 1906. '06 ch.30, 29 Je  
**xv** La. Amdg. Const. 1898 art.140 rel. to jurisdiction of judges of New Orleans city criminal court. 2§. Adopted Nov. 1906. '06 ch.44, 29 Je  
**xw** La. Amdg. Const. 1898 art.281: municipalities, parishes, *school*, drainage and *sewerage* districts on vote of taxpayers may issue bonds for public improvements; mun. councils may create sewerage districts; drainage districts on vote of electors may levy acreage tax. 1§. Adopted Nov. 1906. '06 ch.122, 9 Jl  
**xy** La. Amdg. Const. 1898 by amdg. art.98-100, 106, 131 and rep. art.105 rel. to Courts of Appeal; jurisdiction; judges; circuits. 8§. Adopted Nov. 1906. '06 ch.137, 10 Jl  
**xz** La. Amdg. Const. 1898 art.108: salary of district judge *in each district* to be \$3000. 1§. Adopted Nov. 1906. '06 ch.216, 12 Jl  
**z** Minn. Amdg. Const. 1857 as substitute for art.9 §1-4: power of taxation indestructible; taxes to be uniform and for public purpose; exemptions; special assessments. 3§. Adopted Nov. 1906. '05 ch.168, 13 Ap  
**zb** Minn. Amdg. Const. 1857 art.1 by adding §18: person may sell or peddle product of own farm or garden without license. 2§. Adopted Nov. 1906. '05 ch.283, 19 Ap  
**zc** Miss. Amdg. Const. 1890 §66: law granting donation or gratuity requires concurrence of  $\frac{3}{4}$  members *elect* of each branch of Leg. 1§. Adopted Nov. 1906. '06 ch.238, 16 Ap  
**zd** Mo. Amdg. Const. 1875 art.9 §10: sheriff and coroner to be elected for 4 [2] years; eligible for reelection [only 4 out of 6 years]. Adopted Nov. 1906. '05 p.308  
**ze** Mo. Amdg. Const. 1875 art.10 §12: political corp. with assent of  $\frac{3}{4}$  voters may become indebted to amount greater than annual revenue *for grading, constructing, paving and maintaining roads*. Adopted Nov. 1906. '05 p.309  
**zf** Mon. Amdg. Const. 1889 art.5 §1 establishing initiative and referendum. 3§. Adopted Nov. 1906. '05 ch.61, 2 Mr  
**zg** Neb. Amdg. Const. 1875 by adding article: providing for State Railway Com'n to consist of 3 members elected in Nov. 1906 for 6 year term; to regulate rates, service and control of common carriers; provision in case no specific law passed by Leg. 3§. Adopted Nov. 1906. '05 ch.233, 4 Ap  
**zh** N. D. Amdg. Const. 1889 §162: school funds may be invested in county, township or municipal bonds. 1§. Adopted Nov. 1906. '03 p.294, 24 F; '05 p.349, 2 Mr

## CONSTITUTIONS AMENDMENTS ADOPTED

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- zi Or. Amdg. Const. 1857 art.4 by adding §1a: referendum may be demanded against any item, section or part of act; provision for initiative and referendum as to local, special or mun. legislation on petition of 15% and 10% of the voters of the city or town respectively. 1§. Adopted on initiative petition June 4, 1906.
- zj Or. Amdg. Const. 1857 art.11 §2: municipality given exclusive right to enact and amend charter subject to Const. and criminal laws. 1§. Adopted on initiative petition June 4, 1906.
- zk Or. Amdg. Const. 1857 art.12 §1: Leg. may regulate state printing and binding. 1§. Adopted on initiative petition June 4, 1906.
- zn Or. Amdg. Const. 1857 art.17 §1, 2: amdts. to Const., proposed by Leg. or initiative petition, to be submitted to vote at next gen. election, unless special one ordered by Leg.; majority of votes cast on each amdt. sufficient for adoption; calling of const. convention to be submitted to referendum vote. 1§. Adopted on initiative petition June 4, 1906.
- zp S. D. Amdg. Const. 1889 art.9 §7: Leg. may impose additional qualifications for school sup'ts consistent with Const. art.7 §9. 1§. Adopted Nov. 1906. '05 ch.68
- zq S. D. Amdg. Const. 1889 art.5 §23: in city of 5000 Leg. may substitute for police magistrates Mun. Court with jurisdiction of justice of peace and provide for election of judges. Adopted Nov. 1906. '05 ch.69
- zr S. D. Amdg. Const. 1889 art.21 by adding §6: Leg. may provide for drainage of agricultural lands, organize drainage districts and authorize special assmts. to maintain. 1§. Adopted Nov. 1906. '05 ch.70
- zs S. D. Amdg. Const. 1889 art.11 §1: Leg. to impose tax not to exceed 1½ mills for support of cordage plant at State Penitentiary during 1907. 1§. Adopted Nov. 1906. '05 ch.71
- zt Tex. Amdg. Const. 1876 art.8 §2: Leg. may exempt from taxation endowment fund of educational and religious inst. invested in bonds and mortgages. 4§. Adopted Nov. 1906. '05 p.410, 15 Ap

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## Amendments rejected

The entries under this head are duplicated under the special subjects to which they pertain.

- a Cal. Amdg. Const. 1879 art.5 §15, 19 rel. to salary and duties of Lieut. Gov. 2§. Rejected Nov. 1906. '05 p.1070, 10 Mr
- b Cal. Amdg. Const. 1879 art.12 §7: corp. charter or franchise may be extended 50 years by consent of ⅔ stock. 1§. Rejected Nov. 1906. '05 p.1071, 10 Mr
- c Cal. Amdg. Const. 1879 art.5 §19: salary of Gov. \$10,000 [\$6000]; Atty. Gen. \$6000 [\$3000]; Sec. of State, Compt., Treasurer and Surveyor Gen. \$5000 [\$3000]; clerk not to exceed \$1800 [\$1600]. 1§. Rejected Nov. 1906. '05 p.1073, 10 Mr
- d Cal. Amdg. Const. 1879 art.4 § 2, 23: time limit for introduction of bills; salary of member of Leg. \$1000 a session [\$8 a day]; Leg. may employ attendants to amount to \$500 a day. 2§. Rejected Nov. 1906. '05 p.1075, 10 Mr

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- e **Cal.** Amdg. Const. 1879 art.11 §8: charters of city and county of San Francisco and of city of San José may be amended within 2 years without ratification by Leg.; procedure. Rejected Nov. 1906.  
'06 p.88, 12 Je
- f **Cal.** Amdg. Const. 1879 art.11 by adding §20: city and county of San Francisco by ordinance adopted on  $\frac{3}{4}$  vote of bd of supervisors approved by mayor may within 2 years acquire property by purchase, condemnation, gift or exchange for streets, parks, boulevards etc. and may alter terms of street franchises held by persons or corporations as to use of streets for gas and water pipes. Rejected Nov. 1906.  
'06 p.91, 12 Je
- g **Minn.** Amdg. Const. 1857 art.9 §16: Leg. may levy tax of  $\frac{1}{4}$  [ $\frac{1}{10}$ ] mill for bridge and road fund; omitting clause rel. to appointment of State Highway Com'n. 3§. Rejected Nov. 1906.  
'05 ch.212, 17 Ap
- h **Fla.** Amdg. Const. 1885 art.5 §9: salary of justice of Supreme Court \$4000 [\$3000]; circuit judge \$3500 [\$2500]. 1§. Rejected Nov. 1906.  
'05 p.432, 31 My
- i **Fla.** Amdg. Const. 1885 art.5 by adding §39: salary of judge of Criminal Court of Record graded according to population of county. 1§. Rejected Nov. 1906.  
'05 p.432, 6 Je
- j **Fla.** Amdg. Const. 1885 art.5 by adding §40-47: establishing Court of Record in Escambia county and defining jurisdiction. 8§. Rejected Nov. 1906.  
'05 p.433, 6 Je
- k **Fla.** Amdg. Const. 1885 art.16 by adding §32-35: creating Bd of Drainage Com'rs and drainage districts; lien for taxes; assmt. of benefits. 4§. Rejected Nov. 1906.  
'05 p.435, 27 My
- n **Fla.** Amdg. Const. 1885 art.17 §1: const. amdt. after passage by Leg. to be published for 1 month [3] preceding next gen. election of representatives; amdts. to be part of Const. from date of adoption. 1§. Rejected Nov. 1906.  
'06 p.438, 6 Je
- p **Id.** Amdg. Const. 1889 art.8 §3, 4: local divisions may incur public indebtedness on *majority* [ $\frac{2}{3}$ ] vote at special election; may vote donations to railroads or works of internal improvement on submission to voters at special election; provisos. 4§. Rejected Nov. 1906.  
'05 p.435, 10 Mr
- r **Id.** Amdg. Const. 1889 art.18 §10: county com'rs. to be elected for 4 [2] years. 3§. Rejected Nov. 1906  
'05 p.437, 2 F
- s **Id.** Amdg. Const. 1889 art.9 §11: school funds may be invested in county, mun. or school district bonds or state warrants. 2§. Vote Nov. 1906. Not submitted to vote as resolution contained no provision for publication.  
'05 p.438, 23 F
- t **Id.** Amdg. Const. 1889 art.18 §6 rel. to county, township and precinct officers. 3§. Rejected Nov. 1906.  
'05 p.439, 1 Mr
- u **Id.** Amdg. Const. 1889 art.7 §8: railroads hereafter constructed may be exempt from taxation for 10 years from beginning of construction. 3§. Rejected Nov. 1906.  
'05 p.440, 3 Mr



# CONSTITUTIONS AMENDMENTS REJECTED

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- v Ind. Amdg. Const. 1851 art.7 §21: Leg. to prescribe requirements for admission to bar. 1§. Rejected Nov. 1906. '05 ch.171, 4 Mr
- w Ia. Referring to Leg. of 1906 amdt. to Const. 1857 art.1 §18: Leg. may regulate construction of drains etc. across private lands, provide for organization of drainage districts and maintenance of drains, and define procedure. Not repassed by Leg. of 1906. '04 p.210, 9 Ap
- x La. Amdg. Const. 1898 art.230 removing exemption on rectories and parsonages from taxation and placing mortgages on real property and mortgage notes in the exempt class. 2§. Rejected Nov. 1906. '06 ch.215, 12 Jl
- za N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial com'rs in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. Not repassed by Leg. of 1906. '04 p.1933, 8 Ap
- zb N. Y. Referring to next Leg. amdt. to Const. 1894 art.7 §7 relating to forest preserve: Leg. may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack park and Catskill park; proceeds to be used for purchase of lands within parks; regulations. Not repassed by Leg. of 1906. '04 p.1934, 9 Ap
- zc N. Y. Referring to next Leg. amdt. to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county. Not repassed by Leg. of 1906. '04 p.1935, 14 Ap
- zd N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §1, 7 as amended in 1899: Leg. may increase number of justices of Supreme Court, and judges of Court of Appeals not to exceed 11, on ⅔ vote of members of each house; divisions of latter; quorum; concurrence. Not repassed by Leg. of 1906. '04 p.1936, 14 Ap
- ze N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court com'rs have been appointed may designate additional com'rs and may revoke designation. Not repassed by Leg. of 1906. '04 p.1938, 15 Ap
- zf Or. Amdg. Const. 1857 art.2 §2: right of suffrage to be extended to women. 1§. Proposed by initiative petition and rejected June 4, 1906.
- zj Tex. Amdg. Const. 1876 art.8 §9: county, city or town tax of 1½ mills on \$1 may be levied to pay jurors. 2§. Rejected Nov. 1906. '05 p.411, 15 Ap
- zk Tex. Amdg. Const. 1875 art.3 §24: salary of legislator; prohibiting acceptance of privileges from telegraph or telephone company or common carrier. 1§. Rejected Nov. 1906. '05 p.412, 15 Ap
- zn Wash. Amdg. Const. 1889 art.1 §16 rel. to eminent domain. 4§. Rejected Nov. 1906. '06 ch.65, 4 Mr

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zp

Wash. Amdg. Const. 1889 art.21 §1 making use of water for removal of timber products a public use. 4§. Rejected Nov. 1906. '05 ch.67, 3 Mr

38

## Officers. Departments

Departments of agriculture are classified under Agriculture, departments of education under education, etc.

- a Ark. Declaring invalid amdt. to Const. 1874 art.6 §23 submitted by laws of 1893 p.360 and voted on in Sept. 1894, permitting Gov. to fill vacancies in state, district, county and township offices. Failed to receive majority of all votes cast at election.

Rice v. Palmer 96 S. W. 396 (1906)

- b Ia. Amdg. C. §1057, 1064-66, 1070-71: all state officers to be elected at general election in even years; 2 Supreme Court judges in 1906 and every 2 years thereafter [1 each year]; legislators to be elected in even [odd] years. 6§ '06 ch.36, 10 Ap
- c Va. Amdg. C. §92, 98 rel. to election of county and city officers; com'rs of revenue of county and of city; clerk of Circuit Court. 4§ '06 ch.168, 14 Mr

38(1

### Civil service examination

- a Mass. Amdg. R.L. ch.19 §1: Gov. may designate chairman of Civil Service Com'n. 1§ '06 ch.159, 14 Mr
- b Mass. Posting of notices in cities and towns of civil service exams. 2§ '06 ch.277, 12 Ap
- c Mass. Civil Service Com'n may employ pay roll inspector and physical inspector at \$1200 and \$1500 respectively. 1§ '06 ch.465, 7 Je

38(2

### LOCAL

- a Mass. Police officers under classified civil service to hold office during good behavior and to be removed only after notice and hearing in accordance with '04 ch.314 §2. 2§ '06 ch.210, 30 Mr
- b Mass. Any appointing or employing bd or officer under city civil service law to make on request of com'rs itemized report of all expenditure for services during preceding month; jurisdiction 3§ '06 ch.306, 23 Ap
- c Pa. Appointments and promotions in civil service of cities of 1st class to be made by exam.; mayor to appoint civil service com'n; regulations. 28§ '06 ch.18, 5 Mr

38(3

### Oath. Installation

- a Va. Amdg. C. §108: county, city, town or district officer appointed to fill vacancy to qualify as if elected by people. 1§ '06 ch.16, 15 F; '06 ch.213, 14 Mr

## STATE DEPARTMENTS

38(4)

### BONDS. SURETIES

- a Md. Release of sureties on official bonds. Adds C.'04 art.90 §5B. 1§ '06 ch.409, 3 Ap
- b S. C. Fixing official bonds of certain clerks and accountants in the several state dep'ts. 3§ '06 ch.51, 23 F

38(5)

### *Preference of veterans*

- a N. J. Retirement of Civil War veterans on pension after 40 years continuous public service. 3§ '06 ch.252, 17 My

38(7)

### *Reports*

- a Ia. Amdg. C. §122: biennial reports of state officers to be made in *even* [odd] years. 1§ '06 ch.5, 23 Mr

38(8)

### *Salaries. Fees*

- a Cal. Amdg. Const. 1879 art.5 §19: salary of Gov. \$10,000 [\$6000]; Atty. Gen. \$6000 [\$3000]; Sec. of State, Compt., Treasurer and Surveyor Gen. \$5000 [\$3000]; clerk not to exceed \$1800 [\$1600]. 1§. Rejected Nov. 1906. '05 p.1073, 10 Mr
- b Ia. Fixing number and compensation of employees in the several state dep'ts at capital. §1 '06 p.213, 10 Ap
- c O. Generally amdg. R.S. §1284, and adding §1284b-c rel. to salaries of elective and appointive state officials and employees, and institutional officials. 7§ '06 p.365, 2 Ap

38(9)

### *Tenure of office. Discipline*

- a Ia. Amdg. C. §1060: commencement of term of officers chosen at gen. election may be fixed by Const. *or statute*. 2§ '06 ch.37, 10 Ap
- b Nev. Declaring unconst. '73 ch.121 §59-62 rel. to removal of officer for malfeasance. Defective title.  
Bell v. 1st Judicial District Court 81 P. 875 (1905)
- c O. Amdg. R.S. §354, 414, 839, 841-42, 957-58, 1013, 1137, 1163, 1240, 1267: to conform terms of office of certain state and county officers to Const. 1851 art.17 §1 adopted in 1905, which requires biennial elections. 14§ '06 p.271, 2 Ap

40

## Governor

44

### *Secretary. Clerks. Employees*

- a Ky. Amdg. '73 ch.736: salary of private sec. to Gov. \$2000 [\$1200]. 1§ '06 ch.30, 16 Mr
- b Mass. Amdg. '02 ch.523 §1: salary of executive messenger of Gov. and Council \$1200 [\$1800]. 2§ '06 ch.109, 23 F
- c N. J. Amdg. '02 ch.50 §2: salary of sec. to Gov. \$4000 [\$3000]. 1§ '06 ch.10, 7 Mr

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- 45 *Veto*  
 a O. Submitting amdt. to Const. 1851 art. 2 §16 as to Governor's veto: provision permitting veto of any section or sections of any bill repealed. 2§. Vote Nov. 1908. '06 p.412, 20 Mr

- 48 *Lieutenant governor*  
 a Cal. Amdg. Const. 1879 art.5 §15, 19 rel. to salary and duties of Lieut. Gov. 2§. Rejected Nov. 1906. '05 p.1070, 10 Mr

- 49 *Secretary of state*  
 a Ia. Amdg. C. §2052: fees of Sec. of State for recording railroad contracts. 1§ '06 ch.88, 30 Mr  
 b Pa. Salary of Sec. of Commonwealth \$8000; fees to be paid into state treasury. 3§ '06 ch.7, 15 F  
 c Va. Amdg. C. §175 as to record of oath of Sec. of the Commonwealth. 1§ '06 ch.71, 3 Mr

- 50 *Attorney general*  
 a Ark. Atty. Gen. may employ assistant at salary of \$1500 and stenographer at \$1000. 2§ '05 ch.16, 3 F  
 b La. Amdg. Const. 1898 art.97: salary of Atty.Gen. \$5000 [\$3000]. 3§. Adopted Nov. 1906. '06 ch.30, 29 Je  
 c O. Amdg. R.S. §7195: in investigation or prosecution required by Gov. or Leg., Atty. Gen. to have powers of prosecuting atty. 2§. '06 p.26, 2 Mr  
 d R.I. Atty. Gen. may appoint 2d assistant at \$2000 salary. 3§ '06 ch.1314, 1 Mr  
 e R.I. Amdg. G.L. ch.17 §8: salary of clerk of Atty. Gen. \$800 [\$500]. 2§ '06 ch.1321, 5 Ap  
 f Va. Amdg. C. §183 subdiv.2: Atty. Gen. may appoint assistant at \$2500 [\$1200], and stenographer at \$900 salary; contingent expenses. 1§ '06 ch.166, 12 Mr

## 57 Officers and departments created, abolished or reorganized

### Courts and court officers not included

The entries under this head are also duplicated under the special subject to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Ia. Sec. of State Horticultural Society to be State Forestry Com'r without salary; to encourage and supervise forest and fruit tree culture; power to appoint county deputies. 14§ '06 ch.52, 10 Ap  
 b Ia. Rev.'04 ch.100: sec. of State Bd of Health to be State Registrar of Vital Statistics. Rep. C. §2566-67. 9§ '06 ch.109, 10 Ap

STATE DEPARTMENTS PERMANENT BOARDS

57

- c **Ky.** Creating State Bd of Control for Charitable Institutions, to consist of 3 members appointed for 4 years by Gov. and Senate; salary \$2500 each; abolishing institutional bds of state hospitals for insane and Feeble-minded Institute; powers and duties; annual report to Gov. 33§ '06 ch.18, 9 Mr
- d **Ky.** Creating State Bd of Agric., Forestry and Immigration, to consist of Com'r of Agric., Labor and Statistics, Director of Ky. Experiment Station and 1 citizen from each Appellate Court district; first appointees to be appointed by Gov.; afterward office to be filled by election. 14§ '06 ch.90, 21 Mr
- e **Ky.** Insurance Com'r to appoint deputy as State Fire Marshal at \$2400 salary; report on investigations of fires to be included in annual report of com'r. 7§ '06 ch.95, 21 Mr
- f **Ky.** Creating Normal Executive Council to consist of Sup't of Public Instruction and executive officer of Eastern and Western State Normal Schools; to prescribe terms of admission, graduation and courses of study of state normal schools. 30§ '06 ch.102, 21 Mr
- g **Ky.** Creating State Racing Com'n to consist of 5 members appointed by Gov. for 4 years; to regulate corporations conducting running races; biennial report to Leg.; application of law. 5§ '06 ch.137, 23 Mr
- h **La.** Bd of Liquidation of State Debt to consist of Gov., Lieut. Gov., Auditor, Treasurer, Sec. of State, *Atty. Gen.*, and Speaker of House of Representatives. '06 ch.20, 25 Je
- i **La.** Creating State Bd of Examiners for teachers: to consist of State Sup't of Public Education, Pres. La. State University and Agricultural and Mechanical College and Pres. La. State Normal School. 5§ '06 ch.55, 2 Jl
- j **La.** Reorganizing bd to manage State Museum to be appointed by Gov. and consist of 2 from La. Historical Society, 1 from La. Historical Ass'n, 1 each from New Orleans Art Ass'n, Naturalist Ass'n and Audubon Society, 1 each to represent sugar, cotton and rice industries, with Gov., Com'r of Agric. and Immigration, mayor of New Orleans and director of Experiment Station. Rev. '00 ch.90. 11§ '06 ch.169, 11 Jl
- k **La.** Creating State Bd of Equalization: one member to be elected from each congressional district for term of 4 years. 15§ '06 ch.182, 11 Jl
- n **Md.** Creating State Bd of Forestry, to consist of Compt. presidents of Johns Hopkins Univ. and of Md. State Agricultural College, State Geologist, Gov. and 2 members appointed by him for 2 years; Bd to appoint State Forester at \$2000; to promote forestry and silviculture and effect system of fire protection; appropriation. 17§ '06 ch.294, 5 Ap
- p **Md.** Creating Bd of Shell Fish Com'rs to consist of 3 members appointed for 2 years by Bd of Public Works; salary of president \$2000, of others \$1800; to control oyster-producing territory; annual report. Adds C.'04 art.72 §§1-119. 38§ '06 ch.711, 2 Ap

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- q **Mass.** Creating office of State Bank Com'r to be appointed by Gov. and Council for 3 years, at \$5000; appointment of deputy at \$3000 and 5 examiners at \$2000 each; abolishing Bd of Savings Banks Com'rs and transferring powers and duties to Bank Com'r. 5§ '06 ch.204, 27 Mr
- r **Mass.** Creating State Com'n for Blind, to consist of 5 members appointed for 5 years by Gov. and Council; to aid in finding employment for adult blind; annual report to Gov. and Council. 8§ '06 ch.385, 11 My
- s **Mass.** Free employment offices to be established in certain cities by Chief of Bureau of Statistics of Labor with approval of Gov. and Council; regulations; reports; appropriation. 8§ '06 ch.435, 31 My
- t **Mass.** Com'n on Industrial Education consisting of 5 members to be appointed for 3 years by Gov. and Council: to direct establishment of independent industrial schools through state, prescribe courses of instruction and apportion state aid; annual report to Leg.; appropriations. Rep. R.L. ch.42 §10. 8§ '06 ch.505, 21 Je
- u **Mass.** Chief inspector to be appointed from members of Boiler Inspection Dep't of District Police by Gov. on certification of Civil Service Com'n at \$2000 salary; to unify enforcement of boiler inspection and exam. of engineers and firemen. 2§ '06 ch.521, 26 Je
- v **Miss.** Creating Dep't of Agric. and Commerce to be under the charge of a Com'r of Agric., Statistics and Immigration elected by the people for 4 years at \$2400 salary: to develop agriculture, horticulture and kindred industries; annual report to Gov.; appropriation. 11§ '06 ch.102, 14 Ap; '06 ch.103, 21 Ap
- w **Miss.** Establishing State Geologic Economic and Topographic Survey, under direction of bd consisting of Gov., State Sup't of Education, chancellor of Univ. of Miss., president of Miss. Agricultural and Mechanical College and director of Dep't of Archives and History; bd to appoint State Geologist; biennial report to Leg. 8§ '06 ch.111, 9 F
- x **N. J.** Creating office of Chief Inspector of Power Vessels, to be appointed by Gov. for 3 years at \$600, also assistant inspector at \$10 a day; annual inspection and licensing of vessels, also exam. and licensing of masters, pilots and engineers; annual report by chief to Gov. 29§ '06 ch.91, 9 Ap
- y **N. J.** Creating State Bd of Undertakers and Embalmers to consist of 5 members appointed by Gov. for 3 years; to license on exam. or on payment of registration fee if already conducting business. 11§ '06 ch.219, 12 My
- z **N. Y.** Abolishing Bd of Barber Examiners created by '03 ch.632. '06 ch.256, 19 Ap
- za **N. Y.** Abolishing River Improvement Com'n created by '04 ch.734 and transferring powers and duties to State Water Supply Com'n; civil engineer of former com'n to be retained as member of latter. 4§ '06 ch.418, 11 My

# STATE DEPARTMENTS PERMANENT BOARDS

- 57**  
**zb** N. Y. Creating State Bd of Managers of Reformatories to consist of 7 members appointed for 7 years by Gov. and Senate; bd to appoint Sup't of Reformatories; to direct management of reformatory at Elmira and reformatory at Napanoch. Rep. '00 ch.348 regulating management of reformatory at Napanoch. 9§  
'06 ch.684, 31 My
- zc** O. Rep.'85 p.135: Dep't of Forestry to be established at Ohio Agricultural Experiment Station at Wooster and subject to its bd of control; abolishing State Forestry Bureau connected with State Univ. at Columbus; biennial report by bd to Leg. Adds R.S. §409aa-dd. 5§  
'06 p.54, 17 Mr
- zd** O. Amdg. '78 p.584 §2: abolishing Ohio Canal Com'n and transferring powers and duties to Bd of Public Works. 7§  
'06 p.304, 2 Ap
- ze** 'O. Creating Railroad Com'n of Ohio to consist of 3 members appointed for 6 years by Gov. and Senate at salary of \$5000 each; abolishing office of Com'r of Railroads and Telegraphs created by '67 p.III; regulating business of common carriers, street and electric railroads excepted. Rep. R.S. §245-46, 249. 38§ '06 p.342, 2 Ap
- zf** O. Amdg. R.S. §395-96: reorganizing system of oil inspection; State Inspector of Oils to replace state oil inspectors of districts 1 and 2 respectively, appointed by '92 p.277; state inspector may appoint deputies not exceeding 18; compensation; powers and duties; annual report by state inspector to Gov. 3§ '06 p.359, 2 Ap
- zg** R.I. Creating office of Com'r of Forestry to be appointed for 3 years by Gov. and Senate, at \$500 salary; powers and duties; to circulate information rel. to fire protection and reforestation; annual report to Leg. 4§  
'06 ch.1322, 6 Ap
- zh** R.I. Creating State Bd of Accountancy to consist of 3 members appointed for 3 years by Gov. and Senate; to issue on exam. certificate to practice as certified public accountant; annual report to Leg. 11§  
'06 ch.1370, 20 Ap
- zi** S. C. Creating Bd of Pardons to consist of 3 members appointed by Gov. for 3 years; powers, duties and compensation. 10§  
'06 ch.13, 17 F
- zj** S. C. Creating State Bd of Fisheries to consist of 3 members appointed by Gov. for 2 years; salary of chairman \$1200 and others \$4 a day; to regulate shellfish and fish industries; bd to appoint 4 inspectors also to purchase 4 patrol launches for enforcement; \$6000 annual appropriation. 38§  
'06 ch.60, 23 F
- zk** Va. Rep. C. §1897-98: abolishing office of State Assayer and Chemist created by '73 ch.146 to analyze soils and assay ores and metals. 1§  
'06 ch.27, 17 F
- zn** Va. Creating State Highway Com'n to consist of professors of civil engineering of Univ. of Va., Va. Military Institute, and Va. Agricultural and Mechanical College and Polytechnic Institute and State Com'r of Highways appointed by Gov. for 6 years, at \$3000 salary: to aid in improvement and construction of country roads; annual report by com'r to Gov.; appropriation. 14§  
'06 ch.73, 6 Mr

# N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

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**zp Va.** Creating State Convict Road Force: provision for working prisoners on public roads; method by which county may avail itself of labor of road force; \$25,000 annual appropriation. 15§

'06 ch.74, 6 Mr

**zq Va.** Creating Bureau of Insurance under direction of State Corp. Com'n: Com'r of Insurance to be elected by joint vote of 2 houses for 4 years term at \$3500 salary; annual report to com'n. 163§

'06 ch.112, 9 Mr

58

## Temporary boards and officers

The entries under this head are also duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration. *See also 59, Special investigations*

**a Cal.** Com'n consisting of Gov., Atty. Gen. and mayor of San Francisco to locate sites for state buildings at San Francisco and erect same; management on completion to be given to Com'n consisting of Gov., Atty. Gen. and Sec. of State; \$500,000; exemption from building act of 1876. 6§

'06 ch.16, 12 Je

**b Ga.** Designating 9 com'rs to complete and erect an equestrian statue to Gen. John B. Gordon, on Capitol grounds; report to Leg.; \$15,000. 3§

'06 p.18, 20 Ag

**c Ky.** Committee of 5 members to be appointed by Gov. to erect memorial to Abraham Lincoln at Hodgenville; \$2500. 2§

'06 ch.41, 16 Mr

**d Ky.** Com'n of 3 members to be appointed by Gov. to restore Daniel Boone monument in Frankfort cemetery; \$2000. 1§

'06 ch.66, 21 Mr

**e La.** Com'n consisting of Com'r of Agric. and Immigration, director of Experiment Station, curator of State Museum and 2 appointees of Gov. to prepare state exhibit for Jamestown Exposition.

'06 ch.190, 11 Jl

**f La.** Com'n of 4 to be appointed by Gov., with Gov. as ex officio chairman, to distribute the "Spanish-American War veterans fund" received from U. S. gov't as back pay. 6§

'06 ch.211, 12 Jl

**g Md.** Com'n of 7 to be appointed by Gov. to erect monument in Baltimore to Civil War veterans; \$25,000. 4§

'06 ch.539, 9 Ap

**h Md.** Amdg. '04 ch.426 §2: Bd of Public Works with 5 designated members to constitute State Tobacco Warehouse Building Com'n to rebuild and equip certain state warehouses. 15§

'06 ch 804, 5 Ap

**i Md.** Appointment of special committee consisting of 4 attys. to protect state's interest in the Washington branch of the Baltimore & Ohio Railroad Co.

'06 p.1423, 21 F

**j Mass.** Bd of Jamestown Exposition Managers to be appointed by Gov. and Council to prepare state exhibit; \$50,000.

'06 r.65, 7 My

**k Miss.** Com'n of 3 members to be appointed by Gov., as Miss. Vicksburg Park Com'n; to erect memorials to Confederate soldiers fighting in siege at Vicksburg. 5§

'06 ch.141, 7 F



# STATE DEPARTMENTS    TEMPORARY BOARDS

58

- n    N. J. Gov. to appoint 3 com'rs to erect monument on battlefield of Salem Church, Va.; \$6000 to commemorate services of 23d regiment of N. J. volunteer infantry. 4§ '06 ch.6, 7 Mr
- p    N. J. Supervisor, principal keeper and bd of inspectors of State Prison to be com'n to erect and furnish residence for principal keeper and physician of State Prison; cost limited to \$20,000. 4§ '06 ch.55, 30 Mr
- q    N. J. Com'n to be appointed to erect monument to 14th regiment N. J. volunteer infantry at Monocacy, Md.; \$2500. 4§ '06 ch.85, 6 Ap
- r    N. J. State House Com'n consisting of Gov., Treasurer and Compt. to enlarge Capitol; \$100,000. 2§ '06 ch.164, 30 Ap
- s    N. J. Joint com'n of 3 members appointed by Gov. and 3 by D. A. R. to erect monument at Greenwich commemorating burning of cargo of tea in 1774, in resistance to tax on colonies; \$5000. 4§ '06 ch.170, 30 Ap
- t    N. J. Com'n of 3 to be appointed by Gov. to revise laws rel. to police courts; report to Leg. of 1907. 3§ '06 ch.286, 22 My
- u    N. J. Com'n of 3 to be appointed by Gov. to confer with Gov. and Leg. of N. Y. rel. to appointment of joint com'n to provide for construction of bridges over Hudson river at N. Y. city. 3§ '06 p. 737, 27 Mr
- v    N. Y. Com'n of 3 members to be appointed by Gov. to confer with N. J. representatives to secure system of transit by construction of bridges between N. Y. and N. J.; \$1000. '06 ch.260, 19 Ap
- w    N. Y. Designating Hudson-Fulton com'n nominated by Gov. and mayor of N. Y. city; to prepare celebration in 1909 of discovery of Hudson river and use of steam on river; \$25,000. 11§ '06 ch.325, 27 Ap
- x    N. Y. Com'n named to erect monument to 10th regiment of N. Y. state volunteer infantry who participated in battle of 2d Bull Run; \$1500. 4§ '06 ch.666, 31 My
- y    N. Y. Com'n named to erect on battlefield of 1st Bull Run, monument to 14th regiment of N. Y. state militia who participated in battles of Bull Run, Gainesville and Groveton, Va.; \$1500. 4§ '06 ch.667, 31 My
- z    O. Com'n consisting of Gov., Adjutant Gen. and Auditor of State to instal electric light and power plant for State House and Capitol; \$25,000. 1§ '06 p.168, 31 Mr
- za    O. Com'n of 3 members to be appointed by Gov. to erect monument at Columbus to Civil War soldiers killed in explosion of ship Sultana; \$15,000. 4§ '06 p.308, 2 Ap
- zb    O. Com'n of 5 to be appointed by Gov. to decide as to participation of state in Jamestown Exposition. '06 p.410, 8 Mr
- zc    O. Com'n of 6 to be appointed by Gov. and Senate to consider advisability of relocating Ohio Penitentiary at Columbus; report to Gov. '06 p.418, 31 Mr

# N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

58

- zd R. I. Com'n of 5 members to be appointed by Gov. and Senate for Jamestown Exposition; to erect building, prepare exhibit and appoint executive com'r; \$15,000. 7§ '06 ch.1368, 20 Ap
- ze R. I. Com'n of 3 to be appointed by Gov. to erect monument in Vicksburg National Park; \$5000. '06 r.4, 20 Ap
- zf R. I. Com'n or com'r to be appointed by Gov. to cooperate with Bd of Harbor and Land Com'rs of Mass. in inspecting and restoring all monuments and other marks defining the boundaries between R. I. and Mass. '06 r.5, 12 Ap
- zg R. I. Com'r to be appointed by Gov. to suppress and exterminate the gipsy and brown tail moth; \$5100. '06 r.38, 20 Ap
- zh S. C. Com'n of 3 to be appointed by Gov. to erect monument to Gen. Thomas Sumter; \$500. 3§ '06 ch.173, 21 F
- zi S. C. Com'n to be appointed for Jamestown Tercentennial Exposition in 1907; \$20,000. 5§ '06 ch.193, 24 F
- zj Va. Reappointment of Sec. of Military Records; to complete records provided for by '04 ch.70. 7§ '06 ch.44, 20 F
- zk Va. Amdg. '03 ch.243 §3: continuing com'n appointed to erect monument to R. E. Lee; Gov. to be member of com'n. 1§ '06 ch.79, 7 Mr

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## Special investigations

The entries under this head are duplicated under the special subject to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a Ark. Appointment of Ark. History Com'n to consist of 5 members chosen from the Ark. Historical Ass'n; to investigate extant sources of information on state history and methods of preservation; report to Gov. by Jan. 1907; \$1250. 3§ '05 ch.215, 27 Ap
- b Ark. Joint leg. committee of 5 to be appointed to draft gen. road law. 1§ '05 p.836, 25 Ja
- c Ia. Legislative Insurance Com'n to be appointed consisting of 2 senators and 3 representatives; to investigate system, practice and policies of insurance companies; report to State Auditor by Dec. 1, 1906; \$10,000. 11§ '06 ch.188, 5 Ap
- d Ky. Joint leg. committee to be appointed to revise laws rel. to public printing; report to Leg. of 1908. '06 p.545, 22 Mr
- e La. Com'n of 15 taxpaying citizens appointed by Gov. to investigate laws rel. to taxation and assmt. in La. and other states of U. S. and report to Gov. 12 months after appointment. 1§ '06 ch.191, 11 Jl
- f Md. Joint leg. committee, of 2 senators and 3 delegates, to confer with Pa. com'n rel. to propagation and protection of food fishes in Susquehanna river; report to Leg. of 1908; \$2000. 3§ '06 ch.281, 9 Ap; '06 p.1427, 12 Mr
- g Md. Com'n of 5 members to be appointed by Gov. for improving condition of adult blind; report to Leg. of 1908; \$1500-appropriation for 1907 and 1908 each. 4§ '06 ch.290, 5 Ap

# STATE DEPARTMENTS SPECIAL INVESTIGATIONS

59

- h **Md.** Term of com'n appointed by '02 ch.181 to investigate cerebro-spinal meningitis in horses extended to 1908 [1906]; investigations to include other infectious diseases of horses and cattle. 3§  
'06 ch.482, 9 Ap
- i **Md.** Com'n of 5 members to be appointed by Gov. to make comparative investigation of working of indeterminate, indefinite and cumulative sentences in criminal cases; report to Leg. of 1908; \$500. 3§  
'06 ch.563, 9 Ap
- j **Md.** Com'n of 5 members to be appointed by Gov. for 2 years to revise laws rel. to care of minors, juvenile courts, probation systems and detention homes. 1§  
'06 ch.807, 5 Ap
- k **Mass.** Com'n of 3 to be appointed by Gov. and Council to re-  
 cify laws on insurance; report to present Leg. '06 r.11, 20 Jf
- n **Mass.** Bd of Railroad Com'rs to investigate block and other signals, fire extinguishing apparatus and other safeguards for use on steam railroads; \$2500. '06 r.54, 28 Ap
- p **Mass.** Sec. of Commonwealth, Com'r of Public Records and State Librarian to investigate distribution and preservation of state publications distributed to cities and towns; report to Leg. of 1907.  
'06 r.57, 28 Ap
- q **Mass.** State Bd of Health to make comparative investigation of drawn and undrawn poultry when shipped or stored; report to Leg. of 1907; \$3000. '06 r.59, 28 Ap
- r **Mass.** Bd of Gas and Electric Light Com'rs to investigate feasibility of equipping gas fixtures with self-closing devices; report to Leg. of 1907. '06 r.71, 12 My
- s **Mass.** Com'rs on Fisheries and Game to investigate methods of commercial propagation of scallops and lobsters; \$1500 annual appropriation for 3 years. '06 r.74, 24 My
- t **Mass.** Com'n of 3 members to be appointed by Gov. and Council to consider advisability of purchasing, constructing and maintaining armories for militia; report to Leg. of 1907; \$500. '06 r.93, 14 Je
- u **Mass.** Com'n of 5 members to be appointed to consider measures for relief of consumptives in advanced stage of disease and advisability of establishing state hospitals for same; \$5000.  
'06 r.102, 20 Je
- v **Mass.** Gov. and Council to consider advisability of erecting memorials without state to commemorate action of state troops in Revolutionary War; report to Leg. of 1907. '06 r.105, 26 Je
- w **N. J.** Com'n appointed by '05 ch.94 to revise laws on master and servant to report to Leg. of 1907 [1906]. 1§ '06 ch.110, 12 Ap
- x **N. J.** Com'n consisting of members of Bd of Riparian Com'rs and State Geologist to investigate potable water supply in state and cost of its acquisition and report to Leg. as soon as practicable. 3§  
'06 p.736, 7 Mr
- y **N. J.** Com'n of 3 to be appointed by Gov. to consider the system of mun. gov't in state and report to Gov. and Leg. on 1st day of session 1907. 4§  
'06 p.741, 22 My

# N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

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- z** N. J. Joint leg. committee of 8 to investigate subject of grants and leases of riparian rights by state. 3§ '06 p.742, 22 My
- za** N. J. Com'n of 5 to be appointed by Gov. to consider and investigate the advisability of legislation permitting municipalities to construct and maintain lighting and power plants for public or private consumption; report to Leg. 1907. 2§ '06 p.743, 22 My
- zb** N. J. Com'n of 3 to be appointed by Gov. to investigate feasibility of law for division of profits of public utility corporations between corporations and municipalities granting franchises; report to Leg. 1907. 3§ '06 p.745, 22 My
- zc** N. Y. Com'n of 15, 5 appointed by Gov., 5 from Senate, 5 from House, to consider advisability of revising tax laws; report to Leg. of 1907; \$25,000. 3§ '06 ch.346, 30 Ap
- zd** N. Y. Amdg. '04 ch.718 §1, 4, 7: extending term of Com'n on State Training School for Boys; report to Leg. of 1907 [1906]. 3§ '06 ch.617, 24 My
- ze** N. Y. Com'n to be appointed to consider feasibility of preserving Bronx river from pollution and of extending Bronx park reservation within certain limits; report to Leg. by Jan. 1, 1907; \$3000. 6§ '06 ch.669, 31 My
- zf** N. Y. Com'n of 3 members to be appointed by Gov. to investigate condition of blind; report to Leg. by Feb. 1907; \$5000. 6§ '06 ch.671, 31 My
- zg** O. Bd of Health to investigate water and sewage purification systems in state; report to Leg. of 1908; \$75,000. 2§ '06 p.11, 23 F
- zh** O. Com'n to be appointed to revise statute law; salary \$5000; revision to be submitted to Leg. Jan. 1908. 6§ '06 p.221, 2 Ap
- zi** O. Joint leg. committee of 3 senators and 3 representatives to revise laws on life insurance; report to Leg. 1908. '06 ch.417, 30 Mr
- zj** R. I. Com'n consisting of 2 representatives and 1 appointee of Gov. to be appointed to consolidate statutes; \$9000. 8§ '06 ch.1363, 20 Ap
- zk** Wis. Joint leg. committee of 5 to be appointed to investigate State University; expenditure limited to \$10,000; report to Gov. by Nov. 1906. '05 (ex. sess.) ch.7, 19 D; '05 (ex. sess.) p.41
- zn** Wis. Joint leg. committee of 7 to be appointed to investigate life insurance corporations; report to Gov. by Dec. 1906. 3§ '05 (ex. sess.) ch.9, 19 D; '05 (ex. sess.) p.39

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## State institutions

See also 335, Corrections; 79, Finance; 2 40, Charities; 2220, Education

- a** Ia. Acceptance of gifts, devises or bequests authorized when consonant with purposes of inst. 1§ '06 ch.144, 26 F
- b** La. State insts. in which inmates lodge, hereafter constructed, to be as near fireproof as possible; if more than 1 story to have fire escapes; fire drill required. 4§ '06 ch.136, 10 J1

## STATE DEPARTMENTS INSTITUTIONS

### 61 Establishment. Reorganization. Change of name

The entries under this head are duplicated under the special subjects to which they pertain. They are grouped here primarily for the use of the document librarian and the student of state administration.

- a **Ark.** Name of Ark. State Lunatic Asylum to be changed to State Hospital for Nervous Diseases. 2§ '05 ch.15, 3 F
- b **Ark.** Annex to be built to Confederate Soldiers' Home, for indigent mothers, wives and widows of veterans; \$15,000. 6§ '05 ch.180, 19 Ap
- c **Ark.** Establishing State Reform School for convicts in penitentiary under 18; bd of penitentiary com'rs to locate site, erect buildings and direct management; \$30,000. 16§ '05 ch.199, 25 Ap
- d **Ga.** Appropriating \$100,000 to University of Ga. to erect and equip agricultural college at Athens; bds of trustees created; their powers and duties. 4§ '06 p.10, 21 Jl
- e **Ga.** Establishing schools of agric. and mechanic arts in each congressional district. 10§ '06 p.72, 18 Ag
- f **Ga.** Establishing Agricultural, Industrial and Normal College in Lowndes county as a branch of University of Ga.: site to be donated; officers; property not to be alienated or incumbered; purpose. 10§ '06 p.75, 18 Ag
- g **Ia.** Establishing State Sanitarium for Treatment of Tuberculosis; Bd of Control of State Insts. to locate site, construct buildings and direct management; \$50,000. 14§ '06 ch.120, 9 Ap
- h **Ky.** Establishing Eastern Ky. State Normal School and Western Ky. State Normal School of normal school districts no. 1 and 2 respectively; com'n appointed by Gov. to locate sites; appointment of managing boards of regents; supervision by Normal Executive Council; \$5000 each for construction; \$20,000 each annual appropriation. 30§ '06 ch.102, 21 Mr
- i **La.** Authorizing Gov. to sell or lease Maritime Quarantine Station to U. S. Gov't. 1§ '06 ch.203, 12 Jl
- j **Md.** Changing name of House of Refuge incorporated by '30 ch.64 to Md. School for Boys. '06 ch.28, 27 F
- k **Md.** Establishing Md. Tuberculosis Sanatorium; managing bd to consist of Gov., Treasurer and Compt. and 6 members appointed by Gov. for 6 years; appropriations. 4§ '06 ch. 308, 5 Ap
- n **Mass.** Hospital Prison established by '05 ch.355 to be consolidated with Temporary Industrial Camp as Prison Camp and Hospital. 2§ '06 ch.243, 5 Ap
- p **Mass.** Changing name of Northampton Insane Hospital to Northampton State Hospital. 1§ '06 ch.313, 23 Ap
- q **Mass.** Establishing School for Feeble-minded; bd of trustees appointed by Gov. and Council to locate site and direct management under supervision of State Bd of Insanity; provision for school and custodial dep'ts; appropriations. 17§ '06 ch.508, 21 Je

# N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

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- r**    **N. Y.** Com'n of 5 to be appointed by Gov. to establish state prison in eastern N. Y., replacing Sing Sing Prison; com'n to locate site on approval of Gov. and State Com'n of Prisons and erect buildings; \$75,000 for site.    5§    '06 ch.670, 31 My
- s**    **N. Y.** Establishing State Fish Hatchery on Hudson river for propagation of shad and bass; selection of site by Forest, Fish and Game Com'n; \$5000.    2§    '06 ch.677, 31 My
- t**    **N. Y.** Establishing State Education building to include State Library and State Museum; Trustees of Public Buildings to acquire site; specifications for construction, not exceeding cost of \$3,500,000, to be submitted by trustees to Leg. of 1907; \$400,000 for site.    7§    '06 ch.678, 31 My
- u**    **N. Y.** Establishing N. Y. State School of Agric. at Saint Lawrence Univ., at Canton; \$80,000.    4§    '06 ch.682, 31 My
- v**    **N. Y.** State Reformatory at Elmira to be known as N. Y. State Reformatory, and State Reformatory at Napanoch as Eastern N. Y. Reformatory; reorganization; rep.'00 ch.348 rel. to latter inst.    9§    '06 ch.684, 31 My
- w**    **O.** Establishing Ohio Inst. for Treatment and Education of Deformed and Crippled Children; provision for appointment of com'n to locate site and erect buildings, also managing bd of trustees; \$50,000.    8§    '06 p.57, 17 Mr
- x**    **O.** Establishing Technical Industrial School at Girls' Industrial Home at Rathbone; to furnish training for self-support; \$10,000.    2§    '06 p.182, 31 Mr
- y**    **O.** Establishing Lima State Hospital for criminal and dangerous insane; building com'n appointed by Gov. to prepare plans and erect building; managing bd of 6 trustees to be appointed on completion by Gov.    25§    '06 p.236, 2 Ap
- z**    **S. C.** Amdg. C.C. §1257: changing name of S. C. College at Columbia to Univ. of S. C.    4§    '06 ch.14, 17 F
- za**    **S. C.** Establishing S. C. Industrial School for white boys: bd of trustees to consist of Sup't of Education, Atty. Gen., Gov. and 7 appointees; to locate site, erect buildings and direct management; on removal of inmates of Reformatory on State Farm in Lexington county, reformatory to be used for colored boys; \$4500.    10§    '06 ch.86, 24 F
- zb**    **Va.** Establishing Epileptic Colony on grounds of Western State Hospital near Lynchburg; managing bd of latter to have supervision.    4§    '06 ch.48, 20 F
- zc**    **Va.** Establishing Va. State School for Colored Deaf, Dumb and Blind Children; bd of visitors to locate site, direct construction and control management; annual report to Leg.    9§    '06 ch.164, 12 Mr
- zd**    **Wash.** Declaring unconst. '03 ch.115 providing for construction of state armories at Tacoma, Seattle and Spokane. Special legislation.    Terry v. King County 86 P. 210 (1906)

## STATE DEPARTMENTS PUBLIC PRINTING

### 63 Supervision and administration

- a **Ia.** To secure free religious worship of inmates of state, county and city insts.—penal, correctional, charitable or educational or other places of confinement supported by public funds. 3§  
'06 ch.35, 10 Ap
- b **Md.** Gov. to appoint representatives with advisory powers to attend meetings of bds of insts. receiving state aid. Adds C.'04 art.41 §28. 1§  
'06 ch.740, 5 Ap
- c **O.** Bd of Charities conferences may be held with officers of charitable and correctional insts.; *biennial* [annual] report to Leg.; issue of bulletins. Amds. R.S. §658 and adds §656a. 3§  
'06 p.29, 3 Mr

### 67 Public documents. Printing

*See also 2448, Municipalities*

- a **Ark.** Amdg. S.'04 §6421 rel. to letting of contracts for public printing: printing to be done in state; in case of combination of printers in state, outside bids may be had. 2§  
'05 ch.270, 6 My
- b **Ia.** Generally amdg. C. §70, 71, 125-26, 141, 2622 rel. to printing and distribution of state reports and documents: Ia. Official Register to be published *biennially* [annually]. 6§  
'06 ch.3, 23 Mr
- c **Ky.** Bd of Printing Com'rs to appoint Sup't of Public Printing for 4 years, at \$1500 salary; powers and duties. 5§  
'06 ch.42, 16 Mr
- d **Ky.** Joint leg. committee of 6 members to be appointed to revise laws rel. to public printing; report to Leg. of 1908.  
'06 p.545, 22 Mr
- e **N. Y.** Amdg. state printing law '01 ch.507 §2: separate contracts of over \$500 may be made for printing or stationery not specifically mentioned in contract. 1§  
'06 ch.330, 27 Ap
- f **N. Y.** Amdg. state printing law '01 ch.507 §10: certified check of \$10,000 to be presented with bid; forms. 1§  
'06 ch.359, 9 My
- g **N. Y.** Powers and duties of printing bd; office expenses limited to \$10,000. Adds §16, 17 to state printing law '01 ch.507. 2§  
'06 ch.417, 11 My
- h **N. Y.** Amdg. state printing law '01 ch.507 §6-8: number of copies of leg. journals, bills, messages and reports. 3§  
'06 ch.476, 16 My
- i **O.** Amdg. R.S. §321, 323: public printing contracts to be awarded to lowest bidder, *with facilities for prompt performance of work*; 1000 copies each of Senate and House journals to be printed daily. 3§  
'06 p.198, 2 Ap
- j **Or.** Amdg. Const. 1857 art.12 §1: Leg. may regulate state printing and binding. 1§. Adopted on initiative petition, June 4, 1906.
- k **Va.** Rev.C. §270-85 rel. to state printing. 18§  
'06 ch.216, 14 Mr

## N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

68

### *State printing boards and officers*

- a **Kan.** Amdg. Const. 1859 art.15 §4: State Printer to be elected in Nov. 1906 and every 2 years thereafter [appointed by Leg. in joint session]. 2§. Adopted Nov. 1904.  
Passed Feb. 19, 1903. Printed in 1905 laws as ch.545

70

### **Distribution**

*See also 2354, State libraries*

- a **Ark.** Sec. of State to send copy of state publications and surplus copies of U. S. publications in State Library to State University Library. 4§ '05 ch.80, 10 Mr
- b **Ia.** Amdg. '97 ch.20 §18-19 rel. to sales of codes and session laws by county auditor. 1§ '06 ch.1, 5 Ap
- c **Mass.** Sec. of Commonwealth, Com'r of Public Records and State Librarian to investigate distribution and preservation of state publications distributed to cities and towns; report to Leg. of 1907 '06 r.57,28 Ap
- d **N. Y.** Amdg. leg. law '92 ch.682 §47: *clerks of Senate and Assembly* [Sec. of State] to distribute leg. documents. 3§ '06 ch.475, 16 My

77

## **Legislature**

*See also 2, Statutes; 2455, Council (municipal)*

- a **Cal.** Amdg. Const. 1879 art.4 §23: salary of member of Leg. \$1000 a session [\$8 a day]; Leg. may employ attendants to amount of \$500 a day. 2§. Rejected Nov. 1906. '05 p.1075, 10 Mr

79

### **Election. Number. Apportionment. Vacancies**

80

#### *Apportionment: general laws*

- a **Ga.** "An act to change and rearrange the senatorial districts of this state." 2§ '06 p.80, 18 Ag
- b **Ia.** Reapportioning state into senatorial districts. 1§ '06 ch.210, 10 Ap
- c **Ia.** Reapportioning state into representative districts. 1§ '06 ch.211, 10 Ap
- d **Ky.** Reapportioning state into 100 representative districts. 1§ '06 ch.139, 23 Mr
- e **Mass.** Decennial reapportionment of state into senatorial, councillor and representative districts. 23§ '06 ch.497, 18 Je
- f **Mich.** Declaring unconst. '05 ch.245 reapportioning the senatorial districts. Not based upon population.  
Williams v. Secretary of State 108 N. W. 749 (1906)
- g **N. J.** Apportioning state into Assembly districts. 4§ '06 ch.133, 19 Ap
- h **N. Y.** Organizing Senate districts and apportioning members of Assembly. 3§ '06 ch.431, 14 My
- i **Pa.** Fixing number of representatives and apportioning state into representative districts. 5§ '06 ch.5, 15 F



## LEGISLATURE

80

- j Pa. Fixing number of senators and apportioning state into senatorial districts. 7§ '06 ch.9, 17 F
- k R. I. Amdg. G.L. ch.19 §2, 3: ratio of representation in House. 1 representative for every 6231 [4323] of population. 2§ '06 ch.1331, 17 Ap
- n Va. Amdg. C. §58 apportioning representatives in House of Delegates. 1§ '06 ch.83,7 Mr

83

### *United States representatives*

- a Va. Amdg. C. §50 rel. to apportionment of congressional districts. 1§ '06 ch.51, 23 F

84

### *United States senators*

- a Ia. Interstate convention to be held at Des Moines to effect the calling of const. convention to provide for direct election of U. S. senators. 1§ '06 p.212, 16 Mr
- b Ky. Amdg. S.'03 §1546-47: U. S. senator to be elected on the 2d Tuesday after Tuesday on which Leg. convenes. 2§ '06 ch.104, 21 Mr
- c O. Requesting that Const. be amended to provide for direct election of U. S. senators. '06 p.406, 12 F

88

### **Special laws**

- a Kan. Amdg. Const. 1859 art.2 §17: courts to determine whether law is repugnant to const. provision against special laws. 2§. Adopted Nov. 1906. '05 ch.543, 20 Ja

90

### **Members of Legislature**

- a O. Amdg. R.S. §40: salary of legislator \$600 [\$1200 for term of office]. 2§ '06 p.8, 22 F  
Amended: salary \$1000; \$10 [\$5] deduction for each day's absence from session. 2§ '06 p.287, 2 Ap
- b Tex. Amdg. Const. 1876 art.3 §24: salary of legislator. Rejected Nov. 1906. '05 p.412, 15 Ap
- c Va. Continuances allowed to parties to action during session of Leg., when member or officer retained as atty. prior to session. 1§ '06 ch.29, 17 F
- d Va. Amdg. C. §184 subdiv.1 fixing salaries of members and officers of Leg. 1§ '06 ch.235, 15 Mr

95

### **Internal organization**

99

### **Lobbying**

- a N. Y. Regulating lobbying: registration of leg. agents; compensation contingent on leg. action prohibited; statement of leg. expenses incurred to be filed with Sec. of State within 2 months of close of session. Adds §66 to leg. law '92 ch.682. 1§ '06 ch.321, 26 Ap

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**Officers and employees**

- a Ark. Amdg. S.'04 §3741 rel. to Senate employees. 1§  
'05 ch.3,25 Ja
- b Ark. Senate may employ assistant journal clerk at \$4 a day. 2§  
'05 ch.29,10 F
- c Mass. Amdg. R.L.ch.3 §12: \$2500 [\$2000] for clerk hire allowed to clerk of House. 1§  
'06 ch.126, 6 Mr
- d N. Y. Amdg. leg. law '92 ch.682 §12, 14: attendance of certain officers of Leg. required at opening of succeeding session; undertaking of clerk of House, \$10,000 [\$5000]. 3§  
'06 ch.475, 16 My

102

**Records**

- a N. Y. Amdg. leg. law '92 ch.682 §22: printed copy of leg. journals certified by clerk to be used as original copies for all purposes. 1§  
'06 ch.240, 16 Ap

105

**Legislative procedure**

- a O. Msdr. to refuse to testify or produce books on subpoena of Leg. or committee thereof. 1§  
'06 p.99, 22 Mr

106

**Bills**

- a Cal. Amdg. Const. 1879 art.4 §2: bills not to be introduced after 40 [50] days from commencement of session except on consent of 3/4 [2/3] members. 2§. Rejected Nov. 1906. '05 p.1075, 10 Mr
- b Va. To prevent fraudulent erasures, alteration, secreting or destruction of bills and resolutions pending before Leg. or undue influencing of officer or employee in regard to same; 1 to 5 years' imprisonment in penitentiary. 1§  
'06 ch.160, 12 Mr

107

**Reading**

- a O. Submitting amdt. to Const. 1851 art.2 by amdg. and dividing §16 into §16 and 18, also renumbering §18-32 as §19-33: *reading of bill on final passage must not*, but on 1st or 2d reading may, be dispensed with on 3/4 vote of *members elected to House*. 2§. Vote Nov. 1908. '06 p.412, 20 Mr

109

**Financial procedure**

- a Miss. Amdg. Const. 1890 §66: law granting donation or gratuity to any person or object requires concurrence of 2/3 members elect of each branch of Leg. 1§. Adopted Nov. 1906.  
'06 ch.238, 16 Ap

113

**Sessions**

- a O. Submitting amdt. to Const. 1851 art.2 §25: regular leg. session to commence on 1st Monday in January [biennially in even years] *next after it is chosen*. Vote Nov. 1908.  
'06 p.413, 20 Mr

## ELECTIONS

115

### Direct legislation

- a. **Del.** Submitting question whether Leg. provide system of advisory initiative and advisory referendum. 10§. Adopted Nov. 1906. '05 ch.53, 18 Ap
- b. **Mon.** Amdg. Const. art.5 §1 establishing initiative and referendum. 3§. Adopted Nov. 1906. '05 ch.61, 2 Mr
- c. **Or.** Amdg. Const. 1857 art.4 by adding §14: referendum may be demanded against any item, section or part of act; provision for initiative and referendum as to local, special or mun. legislation or petition of 15% and 10% respectively of the voters of the city or town. 1§. Adopted on initiative petition June 4, 1906.

126

### Elections. Political parties

*See also for term of office, vacancies, etc., the various officers under state and local government; also 2225, School elections*

- a. **Mass.** Misc. amdts. to R.L. ch.11, '03 ch.279 §1 rel. to caucuses and elections. 13§ '06 ch.444, 31 My

129

### Suffrage: qualifications

130

#### Property. Poll tax

- a. **Ky.** Submitting amdt. to Const. 1891 §145 by adding §14: voter must have paid state, county, mun., district and school taxes of previous year 60 days prior to election. 1§. Vote Nov. 1907. '06 ch.55

132

#### Poll tax

- a. **Va.** Each county and city treasurer to submit by July 1 to Circuit Court, lists of capitadon taxes received during year. 3§ '06 ch.26, 17 F

137

### Suspension of right. Disqualifications

- a. **La.** Deserters from military service of U.S. or State National Guard forfeit right of franchise. 1§ '06 ch.38, 29 Je

141

#### Veterans

- a. **Mass.** Veterans exempt from poll tax assmt. under '06 ch 315 may register and vote. 1§ '06 ch.481, 14 Je

142

#### Residence

- a. **N. Y.** Referring to next Leg. amendment to Const. 1894 art.2 §1 as to residence qualifications in a city comprising more than 1 county. Not repassed by Leg. of 1906. '04 p.1935, 14 Ap

146

## Women

See also 2225, School elections

- a N. Y. Amdg. village law '97 ch.414 §12, 41: woman owning property may vote at village election on money or taxation propositions and on incorp. or dissolution of village. 2§  
'06 ch.404, 10 My
- b Or. Amdg. Const. 1857 art.2 §2: right of suffrage to be extended to women. 1§. Proposed by initiative petition and rejected June 4, 1906.

149

## Corrupt practices. Election offenses

- a Ga. Amdg. Pen. C. '95 §629 rel. to buying votes: msdr. to contribute money or property to buy votes, to hire workers to influence votes or to be hired for such purpose; immunity of witnesses. 2§  
'06 p.46, 20 Ag
- b N. J. 5 years' disfranchisement on conviction of bribery at election, money contribution with view to bribery, receiving of rewards or promises or illegal influencing of employee; incriminating testimony not to be used against witness. 7§  
'06 ch.206, 3 My
- c N. J. Defining bribery: includes providing of entertainment and certain payments to clubs, newspapers and magazines.  
'06 ch.208, 3 My
- d O. Amdg. R.S. §2926w, 7045, 7049, 7050, 7055, 7066, '92 p.43: §22, 35 rel. to election offenses: fraudulent registration and voting; prosecution. 9§  
'06 p.167, 31 Mr; '06 p.223, 2 Ap
- e Pa. Msdr. for officer or employee of city of 1st class to solicit or receive contributions for political purposes. 3§ '06 ch.6, 15 F

150

## Corrupt practices acts

All laws requiring candidates or committees to file a statement of election expenses are included under this head. These laws often include miscellaneous election offenses.

- a N. Y. Political committees to file detailed statement of receipts and expenditures; exception in case of disbursements not exceeding \$10 and in case total disbursements do not exceed \$200; judicial investigation to enforce correct statement. Adds art.9 to election law '96 ch.909. 22§  
'06 ch.502, 19 My
- b N. Y. Amdg. Pen. C. §41n,z,zz: lawful election expenditures specified; judicial candidates not to make contributions; penalties.  
'06 ch.503, 19 My
- c Pa. Regulating nomination and election expenses; statement of expenses over \$50 to be filed by candidates and committees. 15§  
'06 ch.17, 5 Mr

154

## Corporation funds

- a N. Y. Prohibiting political contributions by corp. or joint stock ass'n; msdr. for officer to violate act. Adds §41 to gen. corp. law '90 ch.563. 1§  
'06 ch.239, 16 Ap

## ELECTIONS

160

### Nominations. ||Parties

- a **Ill.** Declaring unconst. '05 p.211 rel. to primary elections. Interferes with freedom of elections.  
People v. Bd of Election Com'rs 77 N. E. 321 (1906)
- b **Ill.** Gen. primary election law. 64§ '06 p.436, 23 My
- c **Md.** Amdg. '02 ch.296 §152 rel. to primary elections in Baltimore. 1§ '06 ch.407, 3 Ap
- d **Mich.** "An act to provide for primary elections in Alpena county . . ." 26§ '05 (special acts) ch.476, 13 Ap
- e **Neb.** Declaring unconst. '05 ch.66 rel. to primary elections in so far as it relates to registration of voters and ballots at gen. elections and payment by candidate at primary of fee for filing nomination. Defective title and restriction on elective franchise.  
State v. Drexel 105 N. W. 174 (1905)
- f **N. J.** Amdg. '03 ch.248 §2, 13: primary elections to be held on 2d or 4th Tuesday in Sept. 2§ '06 ch.235, 16 My
- g **N. J.** Amdg. '03 ch.248 §1: candidate for Assembly where ward or township constitutes district to be nominated at convention of delegates chosen at primary election. '06 ch.236, 16 My
- h **N. J.** Amdg. '03 ch.248 §4, 7, 16, 20 rel. to primary elections; making *election district* [ward, township or borough without wards] the unit in preparation of petitions and selection of delegates. 5§ '06 ch.237, 16 My
- i **Pa.** Primary election law; direct nominations. 15§ '06 ch.10, 17 F
- j **Tex.** Amdg. '05 (ex. sess.) ch.11 §120: candidate for county office receiving plurality or majority of votes cast in county, entitled to be placed on official ballot as candidate of party; manner of determining vote in state and district conventions. 1§ '06 (2d ex. sess.) ch.3, 3 Ap
- k **Wis.** Amdg. S. '98 §47 subdiv. 1 rel. to primary election officers: method of appointment; term of office. 1§ '05 (ex. sess.) ch.2, 19 D

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#### Direct nominations

- a **La.** Gen. primary election law: all nominations for state and municipal officers, U. S. senators and representatives in Congress to be made by direct primary. 41§ '06 ch.49, 29 Je
- b **Mich.** Primary elections in Wayne county: direct nominations. 24§ '05 (special acts) ch.345, 15 F
- c **Wis.** Amdg. '03 ch.451 §14 subdiv.2 as to registration at primaries in cities of 1st class. 1§ '05 (ex. sess.) ch.4, 19 D
- d **Wis.** Amdg. '03 ch.451 §5 subdiv.5, §6, 24 subdiv.1: primary nomination papers to be signed by not over 10% of total vote of party in state or district; msdr. for candidate to cause nomination paper to be signed by more than maximum number. 3§ '05 (ex. sess.) ch.5, 19 D

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163                   **Certificates. Vacancies. Filing of nominations**

- a    **Ark.** Declaring unconst. '05 ch.328 conferring upon Chancery Court jurisdiction to determine primary election contests. Violates art.7 §1 of state Const.

Hester v. Bourland 95 S. W. 992 (1906)

164                   **Double nominations**

- a    **Ia.** Amdg. C. §1106: name of candidate to appear on ballot but once; proviso as to candidates for district judge indorsed by bar. 1§ '06 ch.43, 10 Ap  
b    **O.** Amdg. '94 p.118 §6a by rep. part which provided that name of candidate nominated by 2 or more parties could appear but once on the ballot. 1§ '06 p.176, 29 Mr

170                   **Districts. Notices. Days**

■171                   **Days. Hours**

- a    **Ia.** Amdg. C. §1057: general election for state, district, county and township officers in November 1906; biennially thereafter [annually in November]. 6§ '06 ch.36, 10 Ap  
b    **O.** Amdg. R.S. §29260 as to closing of polls on election days. 2§ '06 p.30, 3 Mr  
c    **Va.** Amdg. C. §109: spring elections in cities and towns to be held on 2d Tuesday [after 1st Monday] in June. 1§ '06 ch.28, 17 F

172                   **Districts**

- a    **N. Y.** Abolition or consolidation of election districts in towns Adds §8a to election law '96 ch.909. 1§ '06 ch.159, 6 Ap  
b    **N. Y.** Amdg. election law '96 ch.909 §9: maps of election district to show street corner numbers of blocks defining boundaries. 1§ '06 ch.642, 25 My  
c    **O.** Amdg. R.S. §2923, 2966 subdiv.28, rel. to composition and change of election precincts. 3§ '06 p.234, 2 Ap  
d    **S. C.** Amdg. by implication C.C. §203 rel. to location of voting precincts in certain counties. 1§ '06 ch.84, 24 F

175                   **Ballots. Voting**

- a    **Ia.** Amdg. C. §1106, 1109, 1119-21: removal of circle from ballot. 5§ '06 ch.44, 15 Mr  
b    **N. J.** Mun. clerk 45 days before election to file list of offices to be filled with county clerk for printing on official ballot. Supplements '98 ch.139. 2§ '06 ch.234, 16 My  
c    **Wis.** Amdg. S.'98 §45: providing for use of pocket ballot and coupon voting system. 20§. Rejected Ap. 1906. '05 ch.522, 21 Je

## ELECTIONS

### 182 **Furnishing. Distributing**

- a **Ia.** Amdg. C. §1293 as to compensation for publication of official ballot. 1§ '06 ch.47, 10 Ap

### 185 **Voting machines**

- a **Col.** Amdg. Const. 1876 art.7 §8: voting machines may be used providing secrecy is assured; bonds may be issued to purchase. 3§. Adopted Nov. 1906. '05 ch.84, 10 Ap  
b **R. I.** "An act authorizing use of voting machines at state, city and town elections." 23§ '06 ch.1349, 19 Ap

### 187 **Registration**

- a **O.** Amdg. R.S. §2926a, h: registration in cities of 11,800 [14,000]. 3§ '06 p.212, 2 Ap  
b **O.** Council of city or village wherein registration not required by law may provide for gen. registration of electors; manner and time to be same as in cities with quadrennial registration. 1§ '06 p.270, 2 Ap  
c **Pa.** Requiring and regulating personal registration of voters in cities of 1st and 2d class; Gov. to appoint bd of registration com'rs for each city. 19§ '06 ch.12, 17 F  
d **Pa.** Requiring and regulating personal registration of voters in cities of 3d class; county com'rs to appoint registrars for election precincts. 15§ '06 ch.13, 5 Mr

### 188 **Boards. Officers**

*See also 192, Election officers*

- a **Ia.** Amdg. C. §1076 rel. to bd of registers for elections in cities of 3500: provisions extended to special charter cities; term of registers 2 [1] years. 2§ '06 ch.40, 6 F; '06 ch.41, 30 Mr  
b **La.** Bd consisting of Gov., Sec. of State and Atty. Gen. to appoint registrar of voters in each parish except Orleans; duties of registrar, term of office and compensation. 4§ '06 ch.141, 9 Jl

### 189 **Days. Hours**

- a **S. C.** Amdg. C.C. §177: county bds of registration to keep offices open on required days from 9 a.m. to 5 p.m. [3 p.m.]. 1§ '06 ch.50, 23 F

### 190 **Lists. Transfers**

- a **N. Y.** Amdg. primary election law '98 ch.179 §4 subdiv.3: transcripts of party enrolment on registration to be completed before *succeeding Feb. 15* [Dec. 15]. 1§ '06 ch.227, 13 Ap  
b **Va.** Amdg. C. §78: registrars within 5 days after each sitting to send certified lists of registered persons of election districts to clerks of county, city or town courts; additional fees. 1§ '06 ch.323, 19 Mr

192

## Election officers

- a **Ia.** Amdg. C. §1093 as to judges of election in township precincts. 1§ '06 ch.42, 23 Mr
- b **O.** Amdg. R.S. §2966 subdiv.3 rel. to appointment of deputy state supervisors of elections: determination of rightful executive committee when recommendations for nomination are made by 2 or more committees. 2§ '06 p.288, 2 Ap

194

## Canvass. Contests

195

### Count. Canvass. Returns

*See also 192, Election officers*

- a **Md.** Amdg. C.'04 art.33 §69, 73, 76, 77, 80, 81, 116: canvass of votes; disposition of ballots, tally sheets, etc.; duplicate returns. 7§ '06 ch.544, 9 Ap
- b **Mich.** Counting of votes at elections in Detroit. 8§ '05 (special acts) ch.425, 28 Mr

200

## CRIMINAL LAW

Penal Code and Code of Criminal Procedure

202

## Criminal procedure

*For laws applying both to civil and criminal procedure see 695, Civil procedure*

- a **Md.** Execution of process and amdt. of proceedings of justices in criminal cases. Adds C.'04 art.52 §12A-B. 2§ '06 ch.444, 3 Ap

203

## Apprehension, prosecution, indictment

- a **La.** District and city judges and recorders to have jurisdiction over any person arrested for crime or misdemeanor from moment of arrest; record of arrest to be kept. 4§ '06 ch.11, 22 Je
- b **R. I.** Amdg. court and practice act 1905 §163: sheriff, chief of police or town sergeant of city or town making complaint for criminal offense not to be required to give security for costs; repealing provision as to delivery of warrants to sheriff for service. 2§ '06 ch.1336, 19 Ap

204

## Apprehension

206

### Detectives

- a **N. J.** "An act to license and regulate business of private detectives and detective agencies." 7§ '06 ch.288, 22 My
- b **N. J.** Private detective ass'ns may appoint pursuers with power of constables; fees; insurance of members against loss by robbery. 3§ '06 ch.289, 22 My



## CRIMINAL PROCEDURE

### *Identification*

- See 369

208

### *Reward*

- a Va. County or mun. authorities may offer rewards to sum of \$100 for arrest of felon when crime committed within respective limits. 1§ '06 ch.25, 17 F

209

### *Bail*

- a Mass. Amdg. R.L. ch.217 §62: magistrates may admit persons held in custody to bail on Sunday. 1§ '06 ch.180, 20 Mr
- b Mass. Amdg. R.L. ch.217 §77 rel. to deposits in lieu of recognizances by persons held in custody on criminal charge. 1§ '06 ch.221, 31 Mr
- c N. J. Amdg. '98 ch.237-§114: amount of forfeited recognizance may be returned to representative of deceased recognizer if application made within 2 years. 1§ '06 ch.124, 18 Ap
- d N. Y. Amdg. Crim.P. §554 subdiv.3: person arrested for offense punishable by imprisonment for 30 days or less may be paroled in discretion of police captain or sergeant on promise to appear on following day. 1§ '06 ch.338, 27 Ap
- e R. I. Amdg. court and practice act 1905 §464: upon claim of appeal appellant to obtain discharge from imprisonment must enter into recognizance to appear in Superior Court *on assignment day, for said appeal* and whenever appeal is called for trial. 1§ '06 ch.1337, 19 Ap
- f S. D. Declaring unconst. Crim. P. §586 in so far as it makes the granting of bail discretionary in a capital case, where the proof is not evident or presumption great. Conflicts with state Const. art. 6 §8. State v. Kauffman 108 N. W. 246 (1906)

211

### *Habeas corpus*

- a R. I. Amdg. court and practice act 1905 §1148: service of writ of habeas corpus for production of prisoner in jail, *State Reform School* or State Workhouse. 2§ '06 ch.1339, 19 Ap

212

### *Prosecutions*

213

### *Grand jury*

- a Ky. Amdg. S.'03 §1031: rel. to time for summoning grand jury of Circuit Court having 6 judges. 1§ '06 ch.93, 21 Mr
- b La. Amdg. '98 ch.135 §7: grand jurors to serve *until their successors are elected and qualified* [for next ensuing 6 months]; 9 members shall constitute quorum, all of whom must concur. 2§ '06 ch.155, 10 J!

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214

*Indictment*

- a **Md.** Formula used in indictment for murder need not state manner of death. Adds C.'04 art.27 §447A. 1§ '06 ch.248, 31 Mr
- b **Vt.** Declaring unconst. S. §5417 form 49 prescribing form for indictment. Does not sufficiently inform accused of nature of accusation. State v. Webber 62 A. 1018 (1906)

219

**Evidence**

*See also 246, Perjury*

- a **O.** Amdg. R.S. §53: testimony of witness before leg. committee not to be used in criminal prosecution against him *and he shall not suffer any penalty on account of anything concerning which he may testify or produce documentary evidence.* 2§ '06 p.268, 2 Ap

224

**Judgment. Sentence. Execution**

225

**Appeals. New trial**

- a **Ark.** Regulating appeals to Circuit Court in criminal cases. 5§ '05 ch.151, 11 Ap
- b **O.** Amdg. R.S. §7305, 7306, 7306a: in criminal cases Atty. Gen. may except to decision of court; proceedings on exceptions; when state may prosecute error. 4§ '06 p.33, 3 Mr

226

**Expenses. Costs. Fines**

- a **Mass.** Expenses and costs allowed to District Atty. for preparation and trial of criminal causes. 2§ '06 ch.494, 16 Je
- b **Neb.** Declaring unconst. Cobbe's Ann. S.'03 §7172 in so far as it authorizes taxation of costs against complaining witness, unless the court sustains finding of probable cause for complaint. Teats v. Fox 106 N. W. 779 (1906)
- c **R. I.** Amdg. G.L. ch.288 §1, 4, 16: fines, penalties and forfeitures of valuation under \$500 [\$20] to be prosecuted before District Court; complaint or information for judgment of forfeiture; process of recovery. 1§ '06 ch.1340, 19 Ap
- d **R. I.** Amdg. G.L. ch.102 §17: member of State Police called on by taxpayer to suppress crime may demand bond. 1§ '06 ch.1356, 20 Ap
- e **Va.** Amdg. C. §714a rel. to official receipts for fines: rep. provisions so far as relating to corporation courts. 6§ '06 ch.191, 14 Mr

223

**Sentence**

*See also 353, Commitment; 363, System of sentencing and reform*

- a **La.** Sentences to imprisonment without qualification declared to mean "with labor": employment regulated. 2§ '06 ch.51, 2 Jl

## CRIMES AND OFFENSES

229

### *Death penalty*

- a Ark. Execution for capital offense to take place in county in which crime committed. 3§ '05 ch.61, 28 F
- b Ark. Amdg. S.'04 §2456: executions of persons for rape *not* to be public. 1§ '05 ch.295, 6 My
- c N. J. Infliction of death penalty by electrocution. 14§ '06 ch.79, 4 Ap

230

### **Jury**

*See also 726, Civil procedure*

- a N. J. Amdg. '98 ch.237 §83 rel. to summoning of special panel of jurors when defendant allowed 20 challenges. 1§ '06 ch.278, 18 My

233

### **Criminal jurisdiction**

- a La. District and city judges and recorders to have jurisdiction over any person arrested for crime or misdemeanor from moment of arrest; record of arrest to be kept. 4§ '06 ch.11, 22 Je
- b Md. Amdg. C.'04 art.52 §12 rel. to criminal jurisdiction of justices of peace. 1§ '06 ch.475, 3 Ap
- c Mo. Declaring unconst. R.S.'99 §2413 rel. to place of trial for offense committed on vessel or railroad car. Authorizes indictment, trial and conviction in county other than where offense committed. State v. Anderson 90 S. W. 95 (1905)
- d O. Amdg. R.S. §6454: Probate Court to have concurrent jurisdiction with Court of Common Pleas in all msdrs. and proceedings to prevent crime [in certain counties]. 2§ '06 p.49, 14 Mr

234

### **Crimes and offenses**

Penalties incidental to enforcement of statutes are not duplicated here, but references to them will be found in the subject index under Penalties.

236

### **Crimes against the government**

238

#### **Administration of justice**

240

#### *Contempt of court*

- a La. Declaring invalid '94 ch.190 rel. to contempts. Vetoes by Gov. and returned within time required by Const. Fellman v. Mercantile Fire and Marine Ins. Co. 41 S. 49 (1906)
- b La. Amdg. Code of Practice art. 131: judges of Supreme Court, Courts of Appeal and District Courts [parish] may punish for contempt; utterance out of court after judgment not a contempt. 2§ '06 ch.21, 25 Je

246

#### *Perjury*

- a La. Penalty for wilful and corrupt false swearing: testifying differently at preliminary and subsequent examination made wilful perjury. 2§ '06 ch.118, 9 Jl

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246

- b N. Y. In prosecution for perjury falsity of testimony set forth in indictment to be presumptively established by proof of contradictory statements under oath. Adds Pen. C. §101a. 1§  
'06 ch.324, 27 Ap

256 Crimes against public order and security

258 *Disorderly conduct*

- a N. J. Rep. '04 ch.68 rel. to disorderly persons. 1§  
'06 ch.111, 12 Ap

260

*Vagrancy*

- a Ark. Amdg. S.'04 §2067, 2069-73 rel. to vagrancy: able-bodied person *over 14* having no regular mode of employment, a vagrant; vagrancy a msdr.; duty of certain officers to arrest. 2§  
'05 ch.283, 6 My
- b Md. Amdg. C.'04 art.27 §425: *court or justice of the peace hearing charge* may commit vagrant for 30 days [2 months] to 1 year. 1§  
'06 ch.704, 3 Ap

262

*Weapons*

- a La. Amdg. '02 ch.61: increasing penalty for carrying concealed weapons. 1§  
'06 ch.43, 29 Je
- b Mass. "An act to regulate by license carrying of concealed weapons." 2§  
'06 ch.172, 16 Mr
- c Va. Prohibiting sale or possession of black-jacks, brass or metal knucks. 2§  
'06 ch.11, 9 F

264 Crimes against public morals and the family

*See also 895, Cruelty to children and animals; 929, Sunday observance*

276

*Incest*

- a Ia. Amdg. C. §4936: maximum penalty for incest 25 [10] years in penitentiary. 1§  
'06 ch.164, 14 F

278

*Indecency*

- a N. J. Amdg. '98 ch.235 §51: private indecency a msdr. 1§  
'06 ch.71, 2 Ap
- b S. C. Felony to expose person indecently. 1§  
'06 ch.59, 21 F

280

*Immoral literature and exhibitions*

- a O. Rev. '89 p.320 prohibiting immoral exhibitions and pictures. 4§  
'06 p.303, 2 Ap

286

*Rape*

- a Ky. Amdg. S.'03 §1155: age of consent 16 [12] years. 1§  
'06 ch.24, 16 Mr

## CRIMES AND OFFENSES

288

### *Seduction*

- a **Ky.** Amdg. S.'03 §1214: prosecution for seduction to be renewed if husband abandon wife in 3 years after marriage. 1§  
'06 ch.25, 16 Mr
- b **N. J.** Amdg. '98 ch.235 §117 rel. to seduction: high msdr. to permit or procure woman child under 16 to be used for immoral purposes. 2§  
'06 ch.65, 2 Ap

292

### Crimes against persons

296

#### *Assault*

- a **Ky.** Defendant in civil suit for damages for assault may plead mitigating circumstances as defense to claim for punitive damages. 1§  
'06 ch.32, 16 Mr
- b **N. J.** Assault and battery *by maiming or wounding another* high msdr.; penalty. Amds. '98 ch.235 §113. 2§  
'06 ch.225, 14 My

303

#### *Hazing*

- a **O.** Amdg. '93 p.353 §1 rel. to hazing: msdr. for person in charge of school or inst. knowingly to permit hazing. Adds §1a. 3§  
'06 p.124, 28 Mr

308

### Crimes against property

310

#### *Arson. Destruction by explosives*

- a **La.** Amdg. R.S.'70 §841: penalty for setting fire to, burning or blowing up with explosives, any house, ship, etc., *imprisonment at hard labor not exceeding 20 years* [death]. 1§  
'06 ch. 73, 4 J1
- b **La.** Amdg. R.S.'70 §847: penalty for setting fire, *with intent to injure or defraud*, to any [not his own] bridge, railroad, goods, wares, merchandise, crops etc. 1 to 5 years. 1§  
'06 ch.81, 5 J1
- c **La.** Amdg. R.S. §842 rel. to penalty for setting fire to or blowing up with explosives any ship, vessel, steamboat etc. in the day-time. 1§  
'06 ch.126, 10 J1
- d **Va.** Amdg. C. §3695: 5 to 18 years in penitentiary for burning building containing live stock. 1§  
'06 ch.19, 15 F

312

#### *Burglary*

- a **Md.** Defining burglary with explosives; penalty. Adds C.'04 art.27 §32A. 2§  
'06 ch.476, 3 Ap
- b **O.** Amdg. R.S. §6835: minimum penalty for burglary 1 [5] year. 2§  
'06 p.3, 3 F

320

#### *Electric apparatus and power: water and gas mains and meters*

- a **Ky.** Prohibiting unlawful conversion or use of water from city waterworks plant or interference with appliances. 5§  
'06 ch.36, 16 Mr
- b **N. Y.** Amdg. Pen.C. §651: msdr. to use gas or electricity procured through unlawful interference with pipes, wires or meters. 1§  
'06 ch.453, 15 My

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322

*Embezzlement*

- a **Ia.** Amdg. C. §1869: penalties for embezzlement by officers or employees of saving and state banks. 1§ '06 ch.79, 19 F

324

*False pretenses*

- a **Md.** False pretenses: when loan obtained by written statement that specific business is carried on, and books of accounts kept, failure to produce books presumptive evidence that statements were false. Adds C.'04 art.27 §115A. 1§ '06 ch.378, 3 Ap

325

*Fraud (miscellaneous)*

*See also* 459, Sale of merchandise; 1592, Advertisements

- a **La.** Penalty for using false estimates to procure sale of life insurance policy. 1§ '06 ch.107, 7 J1
- b **N. J.** Msdr. to obtain money or property through false representation. 1§ '06 ch.266, 17 My
- c **N. Y.** Msdr. for agent of school supply firm to falsely represent himself as representative of State Education Dep't or school officer. Adds '94 ch.556 t. 1 §16 to consolidated school law. 1§ '06 ch.58, 15 Mr
- d **Wash.** Declaring unconst. '90 p.128 "an act for the protection of builders and declaring an emergency." Subject not expressed in title. State v. Clark 86 P. 1067 (1906)

326

*Injury. Trespass. Malicious mischief*

*See also* 1333, Injury (railroads); 1849, Trespass (horticulture); 1908, Trespass (hunters)

- a **Ia.** Amdg. C. §4822 rel. to penalty for malicious injury to buildings or fixtures. 1§ '06 ch.161, 9 Ap

328

*Larceny and receiving stolen goods*

*See also* 1586, Junk dealers; 1727, Pawnbroking

- a **Ia.** Embezzlement or fraudulent conversion of money or property by executor, administrator or guardian, deemed larceny. 1§ '06 ch.163, 10 Ap
- b **Mass.** Amdg. R.L. ch.208 §37 rel. to larceny of domestic animals. 1§ '06 ch.181, 20 Mr
- c **Mass.** Amdg. R.L. ch.208 §26: increase of fine and imprisonment for larceny from conveyances of common carriers and express companies. 2§ '06 ch.261, 9 Ap
- d **N. J.** Receiving stolen goods from thief or other person, taken or converted within or without state a msdr. Amds. '98 ch.235 §166. 2§ '06 ch.226, 14 My

## CORRECTIONS

335

### Corrections

*See also 60, State institutions; 2140, Charities*

341

#### State prisons

- a Ark. Regulating duties and powers of Penitentiary Bd. 7§  
'05 ch.134, 1 Ap
- b N. Y. Establishing State Prison in eastern N. Y. to replace Sing Sing Prison; appointment of com'n to locate site and direct erection of buildings; \$75,000 for site. 5§ '06 ch.670, 31 My
- c O. Com'n to be appointed to consider advisability of relocating Ohio Penitentiary at Columbus; report to Gov. '06 p.418, 31 Mr

342

#### Employees

- a Ia. Amdg. C. §5716: monthly salary of chaplain of penitentiaries \$100 [\$70]. 1§ '06 ch.172, 5 Ap
- b Ky. Amdg. '98 ch.4 §6: Bd of Penitentiary Com'rs may appoint 2 assistant deputy wardens [1] for each penitentiary at \$100 a month. 1§ '06 ch.86, 21 Mr
- c Mass. Amdg. R.L. ch.223 §17: physician and surgeon of State Prison may carry on private practice. 1§ '06 ch.242, 5 Ap
- d N. J. Erection of residence for principal keeper and resident physician of State Prison; cost limited to \$20,000. 4§  
'06 ch.55, 30 Mr
- e N. J. Amdg. '92 ch.136 §2: resident physician of State Prison to reside in residence erected by state [in prison]. 1§ '06 ch.163, 30 Ap
- f N. J. Amdg. '94 ch.265 §3: keeper of State Prison to reside in residence erected by state; salary \$3500 and expenses. 2§  
'06 ch.244, 17 My

343

#### Reform schools and reformatories

345

#### *Institutions for women and girls*

- a Ia. Amdg. C. §2708: girls 9 to 18 [16] may be committed to State Industrial School at Mitchellville. 1§ '06 ch.129, 5 Ap
- b Ia. Amdg. C. §2727c: salary of chief executive of Industrial School for Girls at Mitchellville \$1800 [\$1200]. 1§  
'06 ch.133, 30 Mr
- c Md. \$134,000 for annex for women convicts to Md. Penitentiary. 2§ '06 ch.411, 3 Ap
- d O. Technical Industrial School to be established at Girls' Industrial Home to furnish training for self-support; \$10,000. 2§  
'06 p.182, 31 Mr
- e Va. Compensation for custody of delinquent white girls at Va. Home and Industrial School for Girls, allowed as to jailers. 1§  
'06 ch.174, 14 Mr

346

*Reform schools*

- a **Ark.** Establishing State Reform School for convicts in penitentiary under 18; management by Bd of Penitentiary Com'rs; \$30,000. 16§ '05 ch.199, 25 Ap
- b **Ia.** Amdg. and supplementing C. §2713 rel. to support of State Industrial School: per capita monthly allowance \$13 [\$10] for boys and \$16 [\$13] for girls. 1§ '06 ch.130, 9 Ap
- c **Ky.** Amdg. '96 ch.33 §2, 4, 19: *Bd of Penitentiary Com'rs* [institutional bd of trustees] to direct management of Houses of Reform for Boys and Girls; \$600 additional salary for com'rs; acquisition of property. 4§ '06 ch.14, 3 Mr
- d **Md.** Changing name of House of Refuge incorporated by '30 ch.64 to Md. School for Boys. 4§ '06 ch.28, 27 F
- e **Mass.** Treasurer and Receiver General may invest trust funds of Lyman and industrial schools. 4§ '06 ch.407, 21 My
- f **N. Y.** Amdg. '04 ch.718 §1, 4, 7 rel. to N. Y. State Training School for Boys; selection of lands in 70 [50] miles of N. Y. city; admission to inst. of boys *under 8*; com'n to report to Leg. of 1907 [1906]. 3§ '06 ch.617, 24 My
- g **S. C.** Establishing S. C. Industrial Collège for white boys: bd of trustees to locate site, erect buildings and direct management; on removal of inmates of reformatory on State Farm in Lexington county, reformatory to be used for colored boys; \$4500. 10§ '06 ch.86, 24 F

347

*Reformatories*

- a **N. Y.** "An act to provide for State Bd of Managers of Reformatories . . ."; to direct management of State Reformatory at Elmira and Eastern State Reformatory at Napanoch; rep. '00 ch.348 rel. to latter inst. 9§ '06 ch.684, 31 My
- b **N. Y.** Amdg. state charities law '96 ch.546 §50: monthly visitation of insts. under control of State Bd of Managers of State Reformatories and like reports to Gov., State Com'n of Prisons and Fiscal Supervisor. 1§ '06 ch.685, 31 My

348

*Local institutions*

- a **O.** Amdg. R.S. §633 subdiv. 15, 16, 17 rel. to bds of county visitors of local charitable and correctional insts. receiving public aid; appointment; vacancies; compensation; duties. 5§ '06 p.27, 3 Mr

349

*County and township*

- a **N. J.** Amdg. '98 ch.237 §68: person sentenced to county workhouse to be sent there within 10 days; in county having *workhouse* [penitentiary] person convicted on 6 to 18 months sentence may be imprisoned there [to be imprisoned in penitentiary unless previously convicted to State Prison]. 1§ '06 ch.59, 30 Mr
- b **O.** Amdg. R.S. §1235 rel. to sheriff's allowance for maintenance of prisoners in county jails. 2§ '06 p.255, 2 Ap



## CORRECTIONS

349.

- c **R. I.** Amdg. G.L. ch.295 §17: fees of jailer for board of state prisoners, in *Providence county* \$3 a week, in *other counties* \$4. 1§  
'06 ch.1309, 14 Mr

352

### Discipline. Instruction. Care of sick

- a **Mass.** Hospital Prison established by '05 ch.355 to be consolidated with Temporary Industrial Camp as Prison Camp and Hospital. 2§  
'06 ch.243, 5 Ap
- b **Mass.** Prisoner on physician's certificate may be removed to hospital for medical treatment. 4§  
'06 ch.302, 23 Ap
- c **N. J.** Traveling libraries may be sent to penal and correctional insts.; \$1000. 2§  
'06 ch.115, 13 Ap

353

### Commitment. Transportation. Transfer

- a **Ark.** Amdg. S.'04 §5894: sheriff to be allowed \$3 a day for each day engaged in transporting prisoner to penitentiary or state convict farm or camp. 2§  
'05 ch.110, 24 Mr
- b **Mass.** Sentence of woman to be executed in Reformatory Prison for Women only on conviction of felony or on 2d conviction of msdr. 2§  
'06 ch.282, 14 Ap
- c **Mass.** Payment of expenses incurred in moving prisoners from one inst. to another. 2§  
'06 ch.324, 28 Ap
- d **N. Y.** Amdg. state charities law '06 ch.546 §135 subdiv.3, 4: form of warrant of commitment to N. Y. State Training School for Girls. 1§  
'06 ch.225, 13 Ap

354

### Convict labor

- a **Miss.** State convicts to be worked only on lands owned by state. 1§  
'06 ch.137, 5 Ap
- b **O.** Prison labor to be used exclusively for manufacture of supplies for public use and preparation of materials for public roads. Rep.'84 p.72 §4. 10§  
'06 p.177, 29 Mr

357

### County and municipal convicts

- a **Ga.** Amdg. '97 p.51 §3: new counties to have same rights as old as to working or sharing proceeds of hire of convicts; how apportioned. 4§  
'06 p.113, 18 Ag

358

### Roads

- a **Ga.** Counties may cooperate in establishment and improvement of intercounty public roads; may create chain gangs from the convicts of such counties to do the work; sharing expenses. 5§  
'06 p.103, 20 Ag
- b **Md.** Providing for convict labor on roads in certain counties. 4§  
'06 ch.36, 27 F
- c **Md.** Sheriff on order of county com'rs of any county to send certain inmates of county jail to work on road or in preparing road material. Adds C.'04 art.27 §461A. 1§  
'06 ch.747, 5 Ap

358

- d Va. Court in which prisoner tried may sentence felon to hard labor on roads or confinement in penitentiary. Adds C. §4046a. 1§ '06 ch.58, 27 F
- e Va. Person charged with crime and unable to furnish bail bond or not let to bail, with approval of Commonwealth's Atty. may be worked in chain gang or on state convict road force; credit allowed on sentence or pay on acquittal. 1§ '06 ch.59, 27 F
- f Va. Creating state convict road force: provision for working prisoners on public roads; method by which county may avail itself of labor of road force; \$25,000 annual appropriation. 15§ '06 ch.74, 6 Mr

360

**Special industries**

- a Miss. Bds of supervisors may issue bonds to 5% of assessed value of taxable property for establishing county convict farms, prior to Nov. 1, 1907. 1§ '06 ch.123, 19 Ap
- b S. D. Amdg. Const. 1889 art.11 §1: Leg. to impose tax not to exceed 1½ mills on \$1 for support of cordage plant at State Penitentiary during 1907. 1§. Adopted Nov. 1906. '05 ch.71

361

**Criminal insane**

- a Mass. Amdg. R.L. ch.225 §101 rel. to exam. and return of insane criminal to prison on recovery. 1§ '06 ch.472, 9 Je

362

**United States convicts**

- a O. Establishing Lima State Hospital for criminal and dangerous insane; organization and gov't transfers from penal insts. and insane hospitals; discharge of inmates. 25§ '06 p.236, 2 Ap

363

**System of sentencing and reform**

For remission of fine *see* 226

*Capital punishment*

*See* 229

366

*Commutation of sentence*

- a Tenn. Declaring unconst. C. §7423 rel. to deduction by com'rs of county workhouse, from period of sentence of prisoner, for good behavior. Unconst. delegation of leg. authority. Fite v. State 88 S. W. 941 (1905)

367

*Discharge*

- a N. Y. Amdg. Pen.C. §687a: maximum limit of indeterminate sentence to state prisons to expire during months from April to October. 1§ '06 ch.36, 13 Mr

369

*Identification. Records*

- a Mass. Officer in charge of penal inst. on request, to aid in apprehending fugitive from justice by taking description of supposed fugitives and filing with Bd of Prison Com'rs. 1§ '06 ch.293, 21 Ap

## CORRECTIONS

370

### *Indeterminate sentence*

- a **Md.** In cases where sentence fixes maximum and minimum penalty, the court may impose a less than minimum penalty of same character. Adds C.'04 art.27 §461A. 1§ '06 ch.536, 3 Ap
- b **Md.** Com'n to be appointed to make comparative investigation of working of indeterminate, indefinite and cumulative sentences in criminal cases; report to Leg. of 1898; \$500. 3§ '06 ch.563, 9 Ap

371

### *Juvenile offenders*

*See also 346, Reform schools; 2172, Children*

- a **Ky.** Msdr. to contribute to dependency or delinquency of child; suspension of sentence on entering into recognizance. 1§ '06 ch.54, 17 Mr
- b **Md.** Amdg. '00 ch.316 §1: female minors may be committed to juvenile insts. till 21 [18]. 1§ '06 ch.78, 8 Mr
- c **Md.** Com'n to be appointed for 2 years to revise laws rel. to care of minors, juvenile courts, probation system and detention homes. 1§ '06 ch.807, 5 Ap

371(3)

### JUVENILE COURTS. JUVENILE PROBATION

*See also 374, Probation*

- a **Ky.** Regulating treatment of dependent, neglected and delinquent children: jurisdiction by county courts; probation officers; commitment; compulsory support by parents. 11§ '06 ch.64, 21 Mr
- b **La.** Juvenile Courts and probation: City and District Courts to hold a separate session as Juvenile Court; detention and commitment of children; appointment of probation officers. 11§ '06 ch.82, 5 Jl
- c **Mass.** "An act rel. to delinquent children." 15§ '06 ch.413, 24 My
- d **Mass.** "An act to establish Boston Juvenile Court." 10§ '06 ch.489, 15 Je
- e **Mich.** Declaring unconst. '05 ch.312 rel. to Juvenile Courts. Extends const. jurisdiction of court com'rs in certain counties. Hunt v. Wayne Circuit Judges 105 N. W. 531 (1905)
- f **O.** Amdg. '04 p.561 §1, 3, 6, 7, 10 rel. to Juvenile Courts and probation: extension of term, delinquent; appointment of probate judge as judge in certain counties; compensation of probation officers; procedure on conviction of adult dependency, delinquency or neglect; trial of juvenile delinquent charged with manslaughter. Adds §23-30. 13§ '06 p.314, 2 Ap
- g **R. I.** Amdg. '99 ch.664 §5 and rep. §8: State Probation Officer to direct action of assistant probation officers, supervise expenditure and appoint same with approval of Bd of State Charities and Corrections [these powers were formerly exercised by state bd]. 2§ '06 ch.1360, 20 Ap

371(5)

### SEPARATE DETENTION AND TRIAL

- a **N. J.** Schools of detention may be erected in county of 150,000 for juvenile delinquents under 16 and for habitual truants; annual report to bd of chosen freeholders. 6§ '06 ch.37, 27 Mr

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*Parole*

- a **Mass.** Amdg. R.L. ch.225 §117: prisoners in Mass. Reformatory removed there from State Prison, not to be given parole prior to expiration of minimum term without consent of Gov. and Council. 1§ '06 ch.244, 5 Ap
- b **Va.** Amdg. '98 ch.685 §1 rel. to parole of prisoners of penitentiary: in certain cases bd of directors may grant parole even if prisoner had been punished within 2 years preceding application. 2§ '06 ch.234, 15 Mr

373

*Pardons*

- a **S. C.** 'An act to provide for Bd of Pardons.' 10§ '06 ch.13, 17 F

374

*Probation*

*See also 371, Juvenile offenders*

- a **Mass.** Amdg. R.L. ch.217 § 94: *Supreme Court* may authorize probation officers to expend money for temporary support and transportation of persons on probation. 1§ '06 ch.440, 31 My
- b **N. J.** Rep. '00 ch.102 rel. to probation officers. 1§ '06 ch.74, 2 Ap
- c **N. J.** Appointment of probation officers; duties and powers. 8§ '06 ch.75, 2 Ap
- d **N. J.** Release of prisoner on probation. 6§ '06 ch.76, 2 Ap
- e **N. J.** Magistrate, in certain cases to release on probation. 6§ '06 ch.78, 2 Ap
- f **R. I.** Provision for care and maintenance of females committed to custody of State Probation Officer; quarterly reports to be made to State Auditor. 4§ '06 ch.1367, 20 Ap

375

**CIVIL LAW**

Civil Code and Code of Civil Procedure

377

**Property**

*See also 490, Family property*

379

**Real property**

381

**Tenure. Titles**

*See also 748, Special actions*

- a **Cal.** Provision for establishing and quieting of title to real property when public records damaged by public calamity. 18§ '06 ch.59, 16 Je

382

**Eminent domain. Condemnation proceedings**

*See also 1297, Railways; 2649, Water*

- a **Cal.** Amdg. C.C.P. §1238 rel. to purposes for which eminent domain may be exercised. 1§ '06 ch.50, 14 Je

## PROPERTY

382

- b **La.** Amdg. R.S. §1479 rel. to expropriation of private lands for public purposes: expropriation for natural gas pipe line companies 3§ '06 ch.208, 12 Ji
- c **Miss.** Rep. '00 ch.68 which authorized exercise of eminent domain for construction of tramways, pole roads, canals and ditches by individuals and corporations. 1§ '06 ch.131, 23 Mr
- d **O.** Amdg. '00 ch.53 §15 as to time within which condemnation proceedings may be abandoned. 1§ '06 ch.69, 2 Ap
- e **Va.** Amdg. '04 (ex. sess.) ch.608 §4-6, 9, 14, 25, 27 regulating exercise of eminent domain. 7§ '06 ch.257, 15 Mr
- f **Wash.** Amdg. Const. '89 art.1 §16 rel. to eminent domain. 4§. Rejected Nov. 1906. '05 ch.65, 4 Mr

384

### Estates in lands

- a **Md.** Court of Chancery may order release of ground rent reserved by trustee, life tenant or holder of defeasible estate. Adds C.'88 art.16 §215A. 1§ '06 ch.337,3 Ap

386

### Property lines

387

#### *Fences. Lawful fences*

- a **O.** Amdg. R.S. §4243b rel. to repair and building of line fences: defining "owner." 12 '06 p.149, 31 Mr

388

#### WIRE FENCES

- a **Ark.** Amdg. S.'04 §1908: felony to destroy wire fence. 2§ '06 ch.207, 25 Ap
- b **R.I.** Fence of barbed wire to be used as line fence only on written consent of adjoining owner; removal of fence; exceptions. 4§ '06 ch.1364, 20 Ap

389

#### *Party walls*

- a **Ky.** Regulating excavations for buildings in cities of the first class. 1§ '06 ch.120, 21 Mr

392

### Conveyance

*See also 405, Mortgages; 447, Guardianship; 490, Family property; 512, Corporations; 835, Tax on deeds*

- a **Md.** Prescribing form, indorsement and construction of release of vendor's lien retained in deed of conveyance. Adds C.'04 art. 21 §28A-E. 5§ '06 ch.65, 8 Mr

393

### Acknowledgments

*Including commissioner of deeds*

- a **Ark.** Amdg. S.'04 §5745: notary public to have power to take affidavits and acknowledgments of deeds and other written instruments. 1§ '05 ch.269, 6 My
- b **N. J.** Amdg. '98 ch.232 §22: acknowledgment of conveyance taken in state before atty.-at-law with certificate annexed to be receivable as evidence in any court. 1§ '06 ch.247, 17 My
- c **N. J.** Amdg. '98 ch.232 §23: foreign acknowledgments may be taken before any atty. of this state. 1§ '06 ch.250, 17 My

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- d **N. Y.** Amdg. real property law '96 ch.547 §249a: clerk of Court of Record may acknowledge conveyance of real property executed in U. S. possessions. 1§ '06 ch.398, 10 My
- e **S. C.** Amdg. C.C. §667: Gov. may appoint Com'rs of Deeds in foreign countries. 1§ '06 ch.83, 24 F

396

### Record

*See also 2497, County records; 2522(5), Recorder*

- a **Cal.** County or municipality whose records have been destroyed by conflagration or public calamity may exercise eminent domain to obtain plant, books and records of title abstract or guarantee firms or corporations. Amds. C.C.P. §1238. 1§ '06 ch.50, 14 Je
- b **Ia.** Amdg. C. §2941 rel. to recording of instruments affecting land and lots in towns and cities. 1§ '06 ch.145, 22 F

398

### Torrens system

- a **Mass.** Land Court may determine, on petition of representative or fiduciary, extent of authority of written instrument authorizing conveyance of real estate; procedure. 3§ '06 ch.344, 2 My
- b **Mass.** Salary of judge and associate judge of Land Court \$6000 each. 1§ '06 ch.416, 24 My

405

### Liens and mortgages

- a **Id.** Declaring unconst. '03 p.94 in so far as it extends the jurisdiction of Probate Court to actions to enforce liens upon real and personal property. Violates art.5 §21 of state Const.  
Dewey v. Schreiber Implement Co. 85 P. 921 (1906)
- b **Mass.** Amdg. R.L. ch.197 §28: notice to be given to party claiming lien if same to be dissolved by bond. 1§ '06 ch.223, 31 Mr
- c **N. J.** Amdg. '91 ch.77 §1 rel. to cancellation of record of mortgage: service of notice of application on assignee, or nonresident. 1§ '06 ch.221, 14 My

407 **Real property. Mortgages and trust deeds**

410

### Foreclosure. Redemption

*See also 736, Judicial sales; 829, Tax sales*

- a **Mass.** Amdg. R.L. ch.187 §14, 15 rel. to procedure in foreclosure of mortgage by sale: authorized atty. or legal guardian or conservator of mortgagee may perform all acts required by power of sale; procedure. 3§ '06 ch.219, 31 Mr

411

### Record

- a **N. J.** Regulating fees for searches of records of mun. liens against real property in cities of 1st class. 4§ '06 ch.159, 30 Ap

## LIENS AND MORTGAGES

### 413 Personal property

- a O. Amdg. R.S. §4151-53, '85 p.238 §1: chattel mortgages and conditional sales of personal property to be filed with county recorder [with township clerk or county recorder]. 5§ '06 p.114, 28 Mr
- b Va. Amdg. C. §2494 rel. to lien on crops for advances to farmers: recording of agreement. 1§ '06 ch.45, 20 F

### 414 Chattel mortgages

- a N. Y. Amdg. lien law '97 ch.418 §93-95: on request filing officer to issue receipt to person filing chattel mortgage or renewal; N. Y. city excepted; fees. 3§ '06 ch. 381, 10 My

### 419 Mechanics liens; labor and material

- a Ark. Amdg. S.'04 §5014: mechanics lien to be filed within 30 days after *account due* [work done or materials furnished]. 1§ '05 ch.300, 6 My
- b La. Building contract of \$1000 in city of 50,000 to be recorded: contractor to file bond for half of contract price; claims to be filed 45 days after completion or default of contractor; owner liable where he fails to require and record bond or surety is insolvent. 3§ '06 ch.134, 10 Jl
- c N. Y. Amdg. C.C.P. §3400, 3418: enforcement of mechanics lien against state under contract for public improvement. Adds §3402 subdiv.4. 3§ '06 ch.255, 19 Ap
- d R. I. Amdg. G.L. ch.206 §6 rel. to enforcement of liens: contractor or subcontractor to give notice within 40 [30] days after commencing work; service and recording of notice. 2§ '06 ch.1325, 11 Ap
- e Wash. Declaring unconst. '90 p.128, "an act for the protection of builders and declaring an emergency." Subject not expressed in title. State v. Clark 86 P. 1067 (1906)

### 421 Special mechanics and other liens

See also 595, Practice of law

- a Ark. Amdg. S.'04 §5049: owner of male animal kept for breeding to have lien on offspring. 1§ '05 ch.133, 31 Mr
- b La. Thresherman to have lien on crops next to that of lessor. 2§ '06 ch.53, 2 Jl
- c N. Y. Amdg. lien law '97 ch.418 §73, 74 rel. to liens on personal property: lien of auctioneers on chattels; of livery keepers on vehicles for storage charges. 2§ '06 ch.687, 1 Je
- d S. C. Amdg. C.C. §3070 rel. to enforcement of employee's lien in factory: claims of 3d persons to be made as in attachment cases. 1§ '06 ch.56, 21 F
- e Va. Amdg. C. §2489 rel. to lien of innkeepers on property of guest. 1§ '06 ch.165, 12 Mr

422

## Landlord and tenant

- a **Ark.** Amdg. S.'04 §5030: person inducing laborer or renter to break contract or lease to be fined from \$25 to \$100 [guilty of msdr. and fined from \$20 to \$200] and be liable for *advances made and damages* [in double amount of damages]. 2§ '05 ch.298, 6 My
- b **La.** Growing crops of lessee not to be taken for debt of landowner, recorded after date of lease. 1§ '06 ch.100, 7 J1
- c **S. C.** Amdg. C.C. §3057: landlord *and his assigns* may enforce lien for rent and for advances on crops. 1§ '06 ch.58, 21 F
- d **Va.** To protect landlords against removal of crop by tenants till rent and advances are paid. 1§ '06 ch.103, 8 M1

423

## Succession

424

### Descent

- a **S. C.** Illegitimate child may inherit from mother or mother from child. 3§ '06 ch.95, 24 F

426

## Administration of estates

*See also* 836, Inheritance taxes; 1698, Trust companies

- a **Va.** Declaring unconst. C.'87 §3373 rel. to presumption of death on absence from state for 7 years when construed with C.'87 §2253, 2639 providing for administration of absentee's property without his knowledge or notice. Takes property without due process of law. *Selden's Ex'r v. Kennedy* 52 S. E. 635 (1906)

429

## Probate procedure

- a **R. I.** Probate forms to be prescribed and furnished by State Auditor. 2§ '06 ch.1310, 14 Mr

430

## Probate courts and officers

- a **Ill.** Declaring invalid '05 p.186 rel. to jurisdiction of Probate and County Courts having probate jurisdiction. Informality in passage. *Lynch v. Hutchinson* 76 N. E. 370 (1905)
- b **Kan.** Amdg. Const. 1859 art.3 §8: Leg. may provide for appointment of judge pro tem in absence or disability of probate judge: probate judge may receive salary and clerk. 2§. Adopted Nov. 1906. '05 ch.544, 22 F
- c **Md.** Amdg. C.'04 art.93 §277: registers of wills may appoint assistant clerks and deputies, to act in their place [in their absence]. 1§ '06 ch.33, 27 F
- d **Mass.** Judge of probate and insolvency assisting another judge may receive compensation from him if not receiving it from state. 1§ '06 ch.59, 9 F
- e **R. I.** Regulating fees in Probate Courts; local authorities may provide for payment of salary in lieu of fees to probate officers. 6§ '06 ch.1366, 20 Ap



## PROPERTY ESTATES

### 431 Probate of wills

- a **N. J.** Probate of will executed with certain formalities conclusive evidence of formal execution unless assailed within 7 years after probate. 2§ '06 ch.162, 30 Ap

### 433 Foreign wills

- a **Va.** Amdg. C. §2536: court, *or clerk thereof*, may admit copy of will to probate when proved without state. 1§ '06 ch.69, 1 Mr

### 437 Records

- a **N. Y.** Surrogate to provide book for recording certain instruments. Adds C.C.P. §2502. 1§ '06 ch.350, 1 My

### 440 Administration

- a **Md.** Declaring unconst. '96 ch.246 conferring upon Orphans Court jurisdiction to administer estates of absentees without proof of death in case of absence for more than 7 years. Takes property without due process of law.

Savings Bank of Baltimore *v.* Weeks 64 A. 295 (1906)

### 442 Management and settlement

- a **La.** Amdg. '00 ch.153 §2, 4, 5 and 8 rel. to settlement of successions of not over \$500. 4§ '06 ch.70, 4 Jl
- b **Md.** Amdg. C.'04 art.93 §5 rel. to statement of disbursement to be made in administrator's account. 1§ '06 ch.410, 3 Ap
- c **Mass.** Amdg. R.L. ch.146 §18: Probate Court may on petition of administrator *or executor* license same to sell real property of *deceased* [intestate]. 1§ '06 ch.73, 16 F
- d **Mass.** Amdg. R.L. ch.144 §9 rel. to settlement of estates of absentees: court may order proceeds of sale applied to discharge claims for alimony. 1§ '06 ch.175, 19 Mr
- e **Mass.** Amdg. R.L. ch.144 §1: receiver may be appointed by court to collect debts owing to absentee in certain cases. 1§ '06 ch.224, 2 Ap
- f **N. Y.** Amdg. C.C.P. §1836 as to actions brought in County Court against executor or administrator. 1§ '06 ch.60, 15 Mr
- g **N. Y.** Amdg. C.C.P. §2743 rel. to payment and distribution of estates on judicial settlement of account: in case of whole or partial intestacy decree not to direct payment of legacy till 1 year after granting of letters of administration unless will otherwise directs. 1§ '06 ch.515, 21 My

### 445 Guardianship

*See also 2172, Children*

- a **Ark.** Clerk of Probate Court holding money paid into court on settlement of estate, for benefit of minor having no guardian, may loan same under direction of probate judge. 5§ '05 ch.273, 6 My

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- b S. C. Probate Court of newly created county to have estates of minors turned over to it. Adds C.C. §2688a. 1§ '06 ch.7, 2 F
- c Va. Amdg. C. §2629 rel. to transfer of nonresident minor or insane person to foreign guardian or committee. 1§ '06 ch.120, 10 Mr

446

**Insane and incompetent**

*See also* 2205, Insane; 2215, Feeble-minded

- a Ark. Probate Court of county in which insane person resides may appoint guardian and authorize sale of property of ward. 3§ '05 ch.77, 11 Mr
- b Ark. Real estate may be sold in which there exists inchoate rights of dower of insane persons; proceedings. 6§ '05 ch.337, 1 Je
- c Mass. Amdg. R.L. ch.128 §23, 32: Land Court may appoint guardians ad litem for persons under disability. 2§ '06 ch.452, 5 Je
- d N. J. Court of Chancery may apply surplus income of insane or incompetent person, for period not exceeding 3 years, to support members of own household on petition; costs and counsel fees of application to be paid out of estate. 2§ '06 ch.160, 30 Ap
- e R. I. Amdg. court and practice act 1905 §1047: Probate Court may appoint guardian for person and estate *or for either person or estate* of incompetent, drunkard etc. 2§ '06 ch.1338, 19 Ap

447

**Sale, mortgage and lease of property**

- a N. Y. Amdg. C.C.P. §2358, 2361: sale, mortgage or lease of lands of infant or incompetent valid as against contingent interests of infants not in being; court to protect such contingent interests. 2§ '06 ch.127, 3 Ap

448

**Trusts (general)**

- a Ky. "An act fixing rate of interest to be charged guardians, curators and committees." 2§ '06 ch.114, 21 Mr
- b Md. Procedure to protect fiduciaries making distribution of property to which unknown persons may be entitled, or when residence of persons entitled to property is unknown. Adds C.'04 art.16 §200A-D. 4§ '06 ch.373, 3 Ap
- c Md. Power to dispose of real or personal estate to be construed as appurtenant to office of fiduciary unless contrary intention is expressed. 1§ '06 ch.534, 3 Ap
- d Mass. Amdg. R.L. ch.150 §25 rel. to deposit with judge of probate of funds for another, by fiduciary. 1§ '06 ch.127, 6 Mr
- e N. J. On death of trustee without making conveyance to beneficiary, Orphans Court may order conveyance made by representative of decedent. 1§ '06 ch.24, 24 Mr
- f N. J. Amdg. '98 ch.234 §116-17, 122-23: on failure of fiduciary to make final settlement within stipulated time, sureties on bond may cite fiduciary; accounts to be noticed for settlement; issue of citations in cases of guardian and trustees. 4§ '06 ch.282, 18 My
- g Va. Amdg. C. §631 rel. to reimbursement of fiduciary out of estate. 1§ '06 ch.31, 17 F

## CONTRACTS

449

### Insolvency. Assignments

*See also 454, Debtors; 450, Sale of merchandise; 523, Corporations; 1687, Banking; 1722, Building and loan associations*

- a **Ia.** Priority of claims in distribution of property in hands of receiver. 1§ '06 ch.156, 30 Mr
- b **N. J.** Amdg. '99 ch.54 §9, 23 rel. to final account of assignee to Orphans Court; notice to creditors to include sureties on assignee's bond. 2§ '06 ch.281, 18 My

451

### Homesteads. Exemption from execution

*See also 741, Attachment*

- a **Wash.** Declaring unconst. Ballingers Ann. C. and S. '97 §5254 authorizing waiver of homestead exemptions. Violates art. 19 of state Const. Slyfield v. Willard 86 P. 392 (1906)

453

### Contracts and other obligations

*See also 787, Contracts and supplies (public); 835, Tax on deeds and contracts; 2213(5), Employment; 2560, Local finance*

- a **Cal.** Public bds or officials may issue duplicate certificates when originals destroyed by public calamity; exception. 1§ '06 ch.53, 16 Je
- b **Cal.** Reissuance of private documents or instruments damaged by public calamity. Adds C.C. §3415. 1§ '06 ch.64, 18 Je

454

### Debtors

*See also 449, Insolvency; 450, Sale of merchandise; 735, Judgments*

- a **Mass.** Amdg. R.L. ch.168 §20, 41 rel. to arrest of judgment debtor on execution: exam. and hearing to be oral or in writing at discretion of court [on request of party]. 2§ '06 ch.203, 26 Mr

455

### Hotel keepers liability

- a **Va.** To define duties and liabilities of hotel keepers. 5§ '06 ch.136, 10 Mr

459

### Sale of merchandise

- a **Md.** Amdg. and supplementing C.'04 art.83 §18-19: regulating sale by person or corp. of merchandise in bulk for cash or credit consideration; transfer in bulk defined; application. Adds §20-21. 4§ '06 ch.421, 3 Ap
- b **N. Y.** Declaring unconst. '02 ch.528 rel. to sale of merchandise out of usual course of business or in bulk. Abridges right to contract in manner not within police power. Wright v. Hart 75 N. E. 404 (1905)
- c **S. C.** Regulating sale of merchandise in bulk. 3§ '06 ch.1, 5 F

459(5) **Business name**

- a **Ky.** "An act regulating carrying on of business under assumed or fictitious name." 5§ '06 ch.83, 21 Mr
- b **N. J.** "An act to regulate use of business names." 7§ '06 ch.240, 17 My

460 **Agency**

- a **N. Y.** Rep. Pen. C. §640d which prohibited in cities of 1st and 2d class offers for sale of real property without written authority of owner. 2§ '06 ch.516, 21 My

460(5) **Acceptance of commission**

- a **Va.** To prohibit corrupt influencing of agents, employees or servants. 2§ '06 ch.260, 15 Mr

461 **Money. Interest. Usury**

463 **Interest. Usury**

*See also 1727, Pawnbroking*

- a **Cal.** Declaring unconst. '05 ch.354 rel. to interest on chattel loans. Class legislation. Ex parte Sohncke 82 P. 956 (1905)

464 **Negotiable instruments**

*See also 1596, Legal holidays*

- a **Ga.** Amdg. C.'95 §3693 rel. to presentment and payment of bills, notes and checks falling due on a public holiday when such holiday falls on Saturday or Sunday. 2§ '06 p.43, 21 Ag
- b **Ia.** Verbal amdt. to C. §3060 subdiv. a132 rel. to acceptance of bills of exchange. 1§ '06 ch.149, 14 F
- c **Va.** "An act to declare effect of death of drawer of checks." 2§ '06 ch.132, 10 Mr
- d **Va.** Amdg. '98 ch.866 §85: negotiable instruments falling due or becoming payable on Saturday to be presented for payment on next business day. 1§ '06 ch.219, 14 Mr
- e **Wis.** Declaring unconst. '01 ch.268 requiring promissory notes given for patent right to contain consideration and providing penalty for failure to comply with statute. Conflicts with U. S. Const. art. 1 §8 rel. to inventions and U. S. Revised Statutes §4898. J. H. Clark Co. v. Rice 106 N. W. 231 (1906)

467 **Suretyship**

- a **Md.** Administrator, fiduciary or party of whom bond is required may arrange with surety for special deposit of property in trust, to be subject to withdrawal or only on consent of surety or on court order. Adds C.'04 art.93 §38B. 1§ '06 ch.270, 2 Ap

## FAMILY

474

### Family

476

### Marriage

*See also 264, Crimes against public morals and the family*

477

#### *Parties. Age*

- a **La.** Penalty for contracting prohibited marriage out of state without first acquiring domicile and returning to reside permanently in state. 2§ '06 ch.180, 11 J1

478

#### *License*

- a **Md.** Amdg. C.'04 art.62 §5 rel. to marriage license: applicant to state *if ever divorced*. 1§ '06 ch.766, 5 Ap

479

#### *Ceremony. Solemnization*

- a **Va.** Amdg. C. §2220: *Circuit and Corp. Courts* [court of any county] may appoint persons in county *or city* to celebrate marriage rites. 1§ '06 ch.250, 15 Mr

480

### Divorce

482

#### *Annulment*

- a **La.** Amdg. C.C.art.116 rel. to action to annul 2d marriage: where 2d marriage contracted in state and defendant has left state, court to appoint atty. for defendant. '06 ch.150, 10 J1

489

#### *Trials. Procedure*

- a **Md.** Amdg. C.'04 art.16 §39: jurisdiction of Court of Equity in obtaining divorce a vinculo matrimonii on ground of abandonment. 1§ '06 ch.765, 5 Ap
- b **O.** Amdg. '02 p.292: clerk of Court of Common Pleas of *any* county [Montgomery and Clark] not to receive petition for divorce or alimony without prepayment or security for costs, or to filing affidavit of inability to do so [to be approved by judge]. 2§ '06 p.142, 29 Mr

490

### Family property

- a **Md.** To restrain married women from pledging credit of husbands unduly and to prohibit tradesmen from maintaining actions against husbands on purchases and contracts made by wives; equity procedure. 4§ '06 ch.768, 5 Ap
- b **Mass.** Probate Court on petition may decree that husband deserted by wife or living apart from her for justifiable cause, may convey property as if sole. 1§ '06 ch.129, 6 Mr

494

### Property rights of married women

- a **N. J.** "An act for protection and enforcement of rights of married women." 2§ '06 ch.248, 17 My

496

## Support of family

*See also 2203, Support (insane)*

- a **Ky.** Msdr. for adult to fail to provide for indigent parent; suspension of sentence on recognizance. 1§ '06 ch.31, 16 Mr
- b **Mass.** Rev. law rel. to support of wives and minor children. 6§ '06 ch.501, 20 Je
- c **N. J.** Court of Chancery may apply surplus income of insane or incompetent person, for period not exceeding 3 years, to support members of own household on petition; costs and counsel fees of application to be paid out of estate. 2§ '06 ch.160, 30 Ap
- d **N. J.** Amdg. '98 ch.239 § 17-19, 21, 23, 25-27, 29-31: extending provisions rel. to abandonment of family by father, to abandonment by mother; proceedings. 11§ '06 ch.295, 23 My
- e **O.** Amdg. '98 p.114 rel. to abandonment of destitute parent by adult: child under 16 abandoned by parent need not support same. 2§ '06 p.98, 22 Mr

## 497 Children: adoption, custody, legitimation

*See also 2172, Dependent and neglected children*

- a **Va.** To legalize adoption of adult persons. 2§ '06 ch.186, 14 Mr

500

## Corporations

*See also 841, Corporation taxes; 1200, Transportation; 1679, Banking; 1732, Insurance; 2627, Municipal utilities*

- a **Cal.** Restoration of original articles of incorp. destroyed by public calamity. Adds C.C. §297a. 1§ '06 ch.61, 16 Je
- b **Cal.** Restoration of records, stock certificates etc. of corporations when damaged by public calamity. Adds C.C. §365. 1§ '06 ch.63, 18 Je
- c **Mass.** Rep. '03 ch.437 §7 as to provision prohibiting organization under gen. law of corp. to distil and manufacture liquors. '06 ch.286, 14 Ap
- d **Mass.** Supreme Judicial Court may restrain corporations from transacting unauthorized business. 1§ '06 ch.372, 8 My
- e **N. Y.** Certified copy of incorp. certificate of corp. other than stock may be filed with same effect as original, in case where more than 1 filing is required. 1§ '06 ch.531, 21 My
- f **O.** Ship canal co. created under laws of other state or U. S. may have all privileges in state consistent with laws of state. Adds '96 p.410 §15a. 1§ '06 p.151, 31 Mr
- g **Va.** Amdg. '03 ch.270 pt 5 §7, 39 rel. to corporations: notice in writing of meetings to be given to each stockholder in person, or by publication; certification of annual report to State Corp. Com'n. 2§ '06 ch.17, 15 F

## CORPORATIONS

### 503 *Amendment and extension of charter. Reorganization*

- a **Cal.** Amdg. Const. 1879 art.12 §7: corp. charter or franchise may be extended 50 years by consent of  $\frac{2}{3}$  stock. 1§ Rejected Nov. 1906. '05 p.1071, 10 Mr
- b **Va.** Amdg. '03 ch.148 §39: charter heretofore granted not to be amended so as to confer on corp. powers of public service corp. 1§ '06 ch.325, 19 Mr

### 505 *Domicile. Name. Residence of officers*

- a **N. Y.** Amdg. C.C.P. §2413: notice of application for change of name by corp. to be published once a week for 3 [6] weeks. 1§ '06 ch.89, 22 Mr

### 506 *Liability of stockholders*

- a **Kan.** Amdg. Const. 1859 art.12 §2: stockholders in corp. liable to [additional] amount of [equal to] stock owned. 2§ Adopted Nov. 1906. '05 ch.542, 27 Ja

### 507 *Supervision. Reports*

- b **Ga.** Sec. of State to be corp. com'r: all corporations except banks doing business in state to file annual report; penalty. 8§ '06 p.105, 17 Ag
- c **Mass.** Amdg. '03 ch.437 §49, 68 rel. to forfeitures imposed by court on failure of corp. to file annual financial statement and tax returns after notice. 2§ '06 ch.346, 3 My
- d **N. Y.** Amdg. Pen.C. §611 subdiv.2, 3: msdr. for officer or employee of corp. to make or concur in making false entry or to omit or concur in omitting statement required by law. 2§ '06 ch.286, 19 Ap

### 509 *Capital. Shares. Debts. Property*

- a **N. J.** Corp. owning public franchise not to dispose of stock for less than par; or of its bonds and notes for less than 80% of face value; Sec. of State to be notified of issue; false affidavit perjury. 4§ '06 ch.331, 14 Ag

### 512 *Conveyance*

- a **O.** Domestic corp. may sell entire property and assets on vote of  $\frac{3}{4}$  directors at meeting specially called; protection of interest of minority stockholders. Adds R.S. §3256b-e. 4§ '06 p.229, 2 Ap
- b **Va.** Amdg. '03 ch.147 §58 rel. to sale of works of internal improvement in which state is stockholder: place of holding quo warranto proceedings; dissolution of corp. 1§ '06 ch.239, 15 Mr

### 516 *Shares*

- a **Ark.** Corp. may issue preferred stock; preferences to be expressed in certificate of incorp.; existing corp. may amend articles of ass'n to provide for such stock. 3§ '05 ch.330, 1 Je

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- b **R. I.** Amdg. G.L. ch.176 §9: articles of incorp. may be amended to provide that corp. have lien on shares for indebtedness to corp. and right of preemption of stock, on vote of whole capital stock at special meeting and filing of certificate with Sec. of State. 2§  
'06 ch.1326, 12 Ap

517

### Government

519

#### Officers

- a **O.** Amdg. R.S. §3244, 3267: stock corporations may elect from 5 to 30 [15] directors [formerly savings and loan ass'ns, telephone, safe deposit and trust companies could elect 30 directors]. 3§  
'06 p.294, 2 Ap

523

### Dissolution. Insolvency

*See also* 449, Insolvency; 1687, Banking; 1722, Building and loan associations

- a **N. Y.** Amdg. C.C.P. §2423, 2425 rel. to voluntary dissolution of corp.: order made by court on application requires interested parties to appear within 6 weeks [3 months]; time of service of order; com'ns of receiver; final accounting. Adds §2431a, b. 4§  
'06 ch.293, 20 Ap
- b **N. Y.** Amdg. '83 ch.378 §2: compensation of receiver of corporations; employment and payment of counsel. Adds §2a. Rep. R.S. pt 3 ch.8 t.4 §76. 4§  
'06 ch.349, 1 My
- c **Va.** Amdg. '03 ch.270 pt 5 §30 rel. to dissolution of corporations: corp. may be continued *not exceeding 3 years* for winding up of affairs; procedure; reincorp. 1§  
'06 ch.327, 20 Mr

525

### Foreign corporations

*See also* 1689, Banking; 1746, Insurance; 1766, Fire insurance

- a **Id.** Declaring unconst. '05 p.36 rel. to foreign corporations doing business in state. Subject not expressed in title.  
Katz v. Herrick 86 P. 873 (1906)
- b **Miss.** Foreign corp. may do business in state on approval of certificate of incorp. by Gov. and recording of same by Sec. of State; service of process. 4§  
'06 ch.114, 31 Mr

583

### Corporations not for profit

Including religious, educational, social, scientific, benevolent etc.

*See also* 810, Exemptions from taxation; 1761, Fraternal societies; 1835, Agricultural societies; 2140, Charities; 2321, Education

- a **N. Y.** Prohibiting unauthorized use of name or title of secret fraternities. Adds Pen.C. §567b. 1§  
'06 ch.485, 17 My
- b **R. I.** "An act providing for judicial proceedings by and against unincorporated ass'ns." 4§  
'06 ch.1348, 19 Ap

585

#### Property

- a **N. Y.** Amdg. benevolent orders law '96 ch.377 §3 rel. to power of trustees to issue bonds for purchase of real estate. 1§  
'06 ch.467, 16 My



## COURTS

586

### Religious corporations

- a Va. Amdg. C. §1038: cities and towns may appropriate funds or property to nondenominational young men's or young women's Christian ass'ns. 1§ '06 ch.259, 15 Mr

589

## Combinations and monopolies

*See also 1272, Railways*

- a Ark. Rev. '99 ch.41 rel. to pools, trusts and conspiracies to control price. 12§ '05 ch.1, 23 Ja
- b Ark. \$5000 to employ counsel to assist Atty.Gen. and to pay costs in enforcing antitrust law. 2§ '05 ch.88, 14 Mr
- c Ia. Prohibiting unfair commercial discrimination in petroleum products. 8§ '06 ch.169, 30 Ap
- d Ky. Persons may pool crops or farm products and sell same as whole; validity of contracts; appointment of agents. 3§ '06 ch.117, 21 Mr
- e Mon. Declaring unconst. Pen.C. §321 rel. to combinations fixing price of articles of commerce and Pen.C. §325 exempting persons engaged in horticulture and agric. Deny equal protection of laws. State v. Cudahy Packing Co. 82 P. 833 (1905)
- f O. Witness not to suffer any penalty for any transaction concerning which he is compelled to testify in prosecution for violation of antitrust law. Adds '98 p.143 §6a. 2§ '06 p.313, 2 Ap

590

## Administration of justice

591

### Practice of law

592

#### *Admission to bar*

- a Ind. Amdg. Const. 1851 art.7 §21: Leg. to prescribe requirements for admission to bar. 1§. Rejected Nov. 1906. '05 ch.171, 4 Mr
- b N. Y. Amdg. '98 ch.165 §5: dispensing with annual publication of certified copy of official register of attys. of state by clerk of Court of Appeals. 1§ '06 ch.154, 6 Ap

595

#### *Compensation. Fees. Liens*

- a La. Amdg. R.S. §2897: atty. has first lien on property recovered under judgment; by written contract and service of copy on adverse party may acquire lien on subject of suit which can not be destroyed by settlement between client and adverse party. 1§ '06 ch.124, 10 Jl

600

## Courts

Names and general organizations of courts vary greatly in different states. Court are here grouped according to actual jurisdiction. The precise names of the courts are preserved in entries. *See also 2359, Law libraries*

602

### Court records

- a Cal. Restoration of court records damaged by public calamity. 3§ '06 ch.55, 16 Je

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602

- b R. I. Amdg. court and practice act 1905 §1249: custody of files and records of Supreme Court and of Superior Courts to remain with clerks of their respective courts. 2§ '06 ch.1327, 12 Ap

603

## Reports. Reporters

- a Ark. Supreme Court reports to be reprinted and sold by Sec. of State; \$25,000. 4§ '05 ch.117, 29 Mr
- b Ky. Amdg. S.'03 §2426 regulating distribution of Court of Appeals reports. 1§ '06 ch.107, 21 Mr
- c N. Y. Amdg. '92 ch.598 §1 rel. to reporting of decisions of inferior courts of record. 1§ '06 ch.88, 22 Mr

605

## Supreme court

Including only those highest in state, of whatever name, e. g. Court of Appeals but not Supreme Court of New York. In New York, New Jersey and elsewhere the Supreme Court is a district court and is classed below others. The Court of Appeals in New York, New Jersey, Kentucky and Maryland is the highest court, but in Colorado, Kansas, Missouri and Texas it is subordinate to the Supreme Court.

- a Ga. Amdg. Const. 1877 art.6 §1, 2: jurisdiction of Supreme Court revised; Court of Appeals established; its jurisdiction defined; officers. 7§. Adopted Oct. 1906. '06 p.24, 31 Jl
- b La. Supreme Court to hold annual session in New Orleans beginning 1st Monday of Oct. 2§ '06 ch.149, 10 Jl
- c N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §1, 7 as amended in 1899: Leg. [formerly Gov.] may increase number of judges of Court of Appeals not to exceed 11, on  $\frac{3}{4}$  vote of members of each house; Leg. may decide as to quorum, and concurrence necessary to decision, also as to divisions of court [formerly quorum consisted of 5 judges and concurrence of 4 was required]. Not repassed by Leg. of 1906. '04 p.1936, 14 Ap

606

## Officers

- a La. Fixing fees of clerk of Supreme Court. 2§ '06 ch.75, 4 Jl

## Reports. Reporters

See 603

608

## Judges

- a Ky. Majority of judges of Court of Appeals may appoint Commissioner of Appeals with same qualifications and salary as judges. 1§ '06 ch.6, 26 F
- b La. Salary of justice Supreme Court \$6000. 1§ '06 ch.74, 4 Jl
- c O. Amdg. R.S. §410-11: terms of judges of Supreme Court made to conform to Const. 1851 art.17 §1 adopted in 1905 rel. to biennial elections. Rep. §410a. 4§ '06 p.269, 2 Ap

## COURTS

609

### Intermediate courts

For officers and judges *see* 657-94. *See also* 371(3, Juvenile courts; 373, Pardons, 430, Probate court; 855, Court of claims

- a Fla. Amdg. Const. 1885 art.5 by adding §40-47: establishing Court of Record in Escambia county and defining jurisdiction. 8§. Rejected Nov. 1906. '05 p.433, 6 Je
- b Ga. Amdg. Const. 1877 art.6 § 3 ¶1: Leg. may increase or reduce number of judges of Superior Court for each circuit. 5§. Adopted Oct. 1906. '05 p.66, 22 Ag
- c Ga. Amdg. Const. 1877 art.6 §1, 2: jurisdiction of Supreme Court revised; Court of Appeals established; its jurisdiction defined; officers. 7§. Adopted Oct. 1906. '06 p.24, 31 JI
- d Ky. "An act concerning Circuit Courts having continuous sessions and 2 judges"; division of jurisdiction. 14§ '06 ch.13, 2 Mr
- e Ky. Judge of Circuit Court may call special term of court; appointment of special judge; grand juries not to be empaneled if special term held at same time with regular term. Adds S.'03 §964-A. 2§ '06 ch.23, 16 Mr
- f Ky. Amdg. '93 ch.221 §67: quarterly courts in towns of 6th class without police judge to have jurisdiction of all ordinances imposing fines or forfeitures; jurisdiction in penal cases. 1§ '06 ch.97, 21 Mr
- g La. Amdg. Const. 1898 art.109 rel. to District Courts: unexpired term of 1 year filled by *special election* [appointment]; additional judge in 1st district. 4§. Adopted Nov. 1906. '06 ch.12, 22 Je
- h La. Amdg. Const. 1898 by amdg. art.98-100, 106, 131 and rep. art.105 rel. to Courts of Appeal: jurisdiction; judges; circuits. 8§. Adopted Nov. 1906. '06 ch.137, 10 JI
- i N. J. In any county 2 or more Circuit Court judges may sit separately at same time. 1§ '06 ch.119, 13 Ap
- j N. J. 2 additional circuit judges to be appointed for 7 years by Gov. and Senate: to hold Circuit Court in the respective counties in absence of Supreme Court justice. Supplements '00 ch.149. 1§ '06 ch.285, 22 My
- k N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6: Court of Appeals may authorize appointment of trial commissioners in counties of 500,000, their necessity being certified to by appellate division of Supreme Court of the county; term 6 years; salary \$12,000; powers. Not repassed by Leg. of 1906. '04 p.1933, 8 Ap
- n N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §1: Leg. may increase number of Supreme Court justices on  $\frac{2}{3}$  vote of members of each house. Not repassed by Leg. of 1906. '04 p. 1936, 14 Ap
- p N. Y. Referring to next Leg. amdt. to Const. 1894 art.6 §6 by adding article: justices of appellate division of department in which Supreme Court com'rs have been appointed may designate additional com'rs and may revoke designation. Not repassed by Leg. of 1906. '04 p.1938, 15 Ap

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- q **Va.** Amdg. C. §3057 redividing state into judicial circuits. 1§  
'06 ch.117, 9 Mr
- r **Va.** Amdg. C. §3059, 3059a-x and adding §3059y-z, 3059aa-cc rel.  
to commencement and number of terms of city and county Circuit  
Courts. (Act declared unconst. by Supreme Court of Appeals ex-  
cept as applying to 16th judicial circuit.) 30§ '06 ch.196, 14 Mr

645

**Inferior courts**

- a **Mass.** Amdg. R.L. ch.160 §44: special justices of police, district  
or mun. courts may perform each other's duties; exception. 1§  
'06 ch.166, 16 Mr

647

**Coroners. Medical examiners**

- a **La.** Vacancy in office of coroner: of 1 year to be filled by  
special election; less than 1 year by appointment of Police Jury. 2§  
'06 ch.58, 2 J1
- b **Mo.** Amdg. Const. 1875 art.9 §10: coroner to be elected for 4 [21  
years; eligible for reelection [only 4 out of 6 years]. Adopted Nov.  
1906. '05 p.308

651

*Inquests*

- a **S. C.** Coroner to provide for exam. of body by chemist of Clem-  
son Agricultural and Mechanical College, in case of suspected  
poisoning. 4§ '06 ch.85, 24 F

653

**Justices of the peace**

- a **Cal.** Declaring unconst. '01 ch.234 §31 rel. to compensation of  
justices of peace in townships of 27th class counties. Special legis-  
lation. Johnson v. Gunn 84 P. 370 (1905)
- b **Ga.** Amdg. C.'95 §4102: justices courts in cities of 5000; popu-  
lation based on *last authorized census of said city* [U. S. census]. 2§  
'06 p.44, 21 Ag
- c **Mass.** Referring to Leg. of 1907 amdt. to Const. 1780 by adding  
article of amdt.: Gov. with consent of Council may remove justices  
of peace and notaries public. '06 p.843, 3 Ap
- d **Mo.** Declaring unconst. '99 p.215 changing compensation of jus-  
tices of peace in cities of 15,000 to 35,000 (which embraces but 1  
city) from fees to salary. Special legislation.  
State v. Messerly 95 S. W. 913 (1906)
- e **N. Y.** Amdg. C.C.P. §2862 subdiv.6 rel. to jurisdiction of justices  
court of actions on foreign or domestic judgments. 1§  
'06 ch.246, 16 Ap
- f **Va.** Amdg. '04 (ex.sess.) ch.577: provision for election of addi-  
tional justices of peace in certain cities. 2§ '06 ch.98, 8 Mr

655

**Municipal and police courts**

- a **Ia.** Amdg. C. §256a as to expiration of term of judge of city  
Superior Court. 1§ '06 ch.10, 30 Ap
- b **La.** Amdg. Const. 1898 art.140 rel. to jurisdiction of judges of  
New Orleans City Criminal Courts. 2§. Adopted Nov. 1906.  
'06 ch.44, 29 Je

## COURT OFFICERS

655

- c **N. J.** Amdg. '98 ch.239 §38, 43: in cases of conviction of disorderly persons: magistrate failing to file proceedings with county clerk within 10 days to forfeit fee and to be deemed disorderly person. 2§ '06 ch.14, 9 Mr
- d **N. J.** Com'n to be appointed to revise laws rel. to Police Courts; report to Leg. of 1907. 3§ '06 ch.286, 22 My
- e **N. Y.** Mun. Court of city of Syracuse. 43§ '06 ch.520, 21 My
- f **O.** Reenacting R.S. §1831. rel. to appointment of police justices in villages. 2§ '06 p.159, 29 Mr
- g **S. D.** Amdg. Const. 1889 art.5 §23: in city of 5000 Leg. may substitute for police magistrates Mun. Court with jurisdiction of justice of peace and provide for election of judges. 1§. Adopted Nov. 1906. '05 ch.69

657

### Court officers

- a **Mass.** Removal of officers in attendance on Superior Court for cause approved by majority of justices. 1§ '06 ch 147, 9 Mr
- b **N. J.** Justice of Supreme Court of district comprising county of 1st class may appoint sergeant at arms and crier; duties and compensation. 2§ '06 ch.48, 27 Mr
- c **N. J.** Court criers in counties of 3d class to receive \$3 a day. 2§ '06 ch.205, 3 My

659

### Fees and salaries

For fees and salary of a particular court officer *see* that head

- a **N. J.** Prescribing fees of magistrate and officer arresting and committing person for violation of acts against vice and immorality. 2§ '06 ch.47, 27 Mr

661

### Bailiffs

- a **Ga.** Sheriff or bailiff to receive \$5 for summoning jury in County Court. 2§ '06 p.119, 18 Ag

663

### Constable

- a **Ga.** Amdg. C.'95 §5404 increasing compensation of constable for keeping certain stock. 2§ '06 p.45, 20 Ag
- b **R. I.** Constable may be removed from office for cause; constables elected by town or city excepted. Adds G.L. ch.232 §7. 1§ '06 ch.1308, 14 Mr

667

### Interpreter

- a **N. J.** Amdg. '98 ch.237 §151: judge of Court of Quarter Sessions in county of 1st and 2d class may appoint Italian interpreter; maximum salary in county of 1st class \$1200 [\$840], *in county of 2d class* \$900. 1§ '06 ch.143, 20 Ap

668

### Judges

*See also* 710, Change of venue or judge

- a **Cal.** Amdg. Const. 1879 art.6 §17 rel. to salary of Superior and Supreme Court judge. 1§. Adopted Nov. 1906. '05 p.1069, 10 Mr

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- b Fla. Amdg. Const. 1885 art.5 §9: salary of justice of Supreme Court \$4000 [\$3000]; of circuit judge \$3500 [\$2500]. 1§. Rejected Nov. 1906. '05 p.432, 31 My
- c Fla. Amdg. Const. 1885 art.5 by adding §39: salary of judge of Criminal Court of Record graded according to population of county. 1§. Rejected Nov. 1906. '05 p.432, 6 Je
- d Ga. Amdg. '04 p.73: salary of judge of Superior Court in circuit having city of not less than 34,000 [nor more than 75,000] \$5000. 2§ '06 p.56, 31 Jl
- e Ga. Judge of Superior Court to receive not more than \$2000 a year for sitting in circuit other than own, having city of 75,000; to be paid by county containing such city. 1§ '06 p.57, 18 Ag
- f Ga. Amdg. '05 p.100: salary of judge of City Court in county having city of not less than 39,000 [nor more than 75,000] \$5000; salary of bailiff attending City Court not over \$75 a month. 3§ '06 p.58, 31 Jl
- g La. Amdg. Const. 1898 art.108: salary of district judge in each district to be \$3000. 1§. Adopted Nov. 1906. '06 ch.216, 12 Jl
- h Mass. Provision for retirement of judges of probate and insolvency on half pay. 2§ '06 ch.474, 12 Je
- i N. J. Amdg. '00 ch.140 §16 rel. to salaries of judges of Court of Common Pleas. 2§ '06 ch.318, 22 Je
- j N. Y. Amdg. county law '92 ch.686 §230 subdiv.9 rel. to expenses of county judge and surrogate. 1§ '06 ch.74, 21 Mr
- k O. Term of office of judge of Court of Common Pleas to be 6 years, according to Const. 1851 art.17 §1 as amended in 1905, requiring even year terms for administrative and judicial officers. 3§ '06 p.119, 22 Mr
- n Va. On creation of new judicial circuit, judge to be elected for 8 years by joint vote of houses. 2§ '06 ch.114, 9 Mr
- p Va. Amdg. C. §185 rel. to salaries of certain judges. 1§ '06 ch.321, 17 Mr

669

Notary public

- a Md. Amdg. C.'04 art.68 §10 rel. to notaries public: 15 [10] women eligible in city of Baltimore and 5 [1] in each county. 1§ '06 ch.98, 22 Mr
- b Md. Amdg. C.'04 art.68 §8: notary public may exercise powers in any county or city other than that for which appointed. 1§ '06 ch.398, 3 Ap
- c Mass. Referring to Leg. of 1907 amdt. to Const. 1780 by adding article of amdt.: Gov. with consent of Council may remove justices of peace and notaries public. '06 p.843, 3 Ap

671

Clerks of courts

- a Mass. Clerk of Police, Mun. or District Court with approval of justice may appoint assistant clerks pro tem; exception. 1§ '06 ch.256, 6 Ap

## COURT OFFICERS

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- b **N. J.** Amdg. '98 ch.228 §214 rel. to payment of fees to clerk of District Court. 1§ '06 ch.267, 17 My
- c **R. I.** Clerks of certain courts may use facsimile of their signatures. 1§ '06 ch.1315, 2 Mr

675

### Public prosecutor

*See also 50, Attorney general*

- a **Ark.** Amdg. S.'04 §6387-89: *in counties having 2 judicial districts deputy prosecuting atty. may be appointed for each district* [1 for each county]; duties; exceptions. 4§ '05 ch.220, 1 My
- b **Ill.** Declaring invalid '01 p.207 §2 rel. to salary of state's atty. for Cook county. Informality in passage.  
People v. Olsen 78 N. E. 23 (1906)
- c **Ia.** Amdg. C. §308: county atty. to receive fees for fine collected *only where he appears for the state.* 1§ '06 ch.11, 9 Ap
- d **La.** Atty. Gen. on notification of district judge may in certain cases designate district atty. of another district to prosecute for the state. 2§ '06 ch.123, 10 Jl
- e **N. J.** Amdg. '00 ch.15 §1 rel. to salary of prosecutor of pleas: in county of 45,000 to 60,000 [65,000] salary \$1500; in county of 60,000 to 65,000 salary \$2000; 150,000 to 250,000 salary \$7500. 1§ '06 ch.73, 2 Ap
- f **O.** Amdg. R.S. §1273-74, 1297-98 rel. to duties and salary of prosecuting atty. Rep. §1282a-c. 7§ '06 p.160, 31 Mr
- g **S. C.** Salary of circuit solicitor \$1700. 2§ '06 ch.79, 24 F

688

### Referees. Masters

- a **Mass.** Masters in Chancery to have jurisdiction in all counties. 2§ '06 ch.187, 24 Mr

689

### Sergeant at arms

- a **N. J.** Circuit Court in counties of 1st class may appoint sergeant at arms at \$1000 salary. 2§ '06 ch.300, 1 Je

691

### Sheriff

- a **Ga.** Sheriff or bailiff to receive \$5 for summoning jury in County Court. 2§ '06 p.119, 18 Ag
- b **Mo.** Amdg. Const. 1875 art.9 §10: sheriff to be elected for 4 [2] years; eligible for reelection [only 4 out of 6 years]. Adopted Nov. 1906. '05 p.308

693

### Special commissioners. Receiver

- a **Md.** Amdg. C. '04 art.35 §36 and adding §36 A-B: com'ns to take evidence when suit pending without state or in foreign country; special proceedings for taking testimony. 3§ '06 ch.239, 31 Mr

694

### Stenographers

- a **N. Y.** Amdg. C.C.P. §86: court stenographer on request of judge presiding in criminal case and receipt of certificate for fees to furnish copy of minutes. 1§ '06 ch.388, 10 My

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- b N. Y. Amdg. C.C.P. §361 as to appointment of stenographer in county with special county judge. 1§ '06 ch.522, 21 My
- c S. C. Salary of stenographers of Circuit Courts \$1500. 3§ '06 ch.6, 16 F

695

**Civil procedure**

Including such provisions as apply both to civil and criminal cases  
*See also* 429, Probate procedure; 489, Divorce

697

**Legal notices**

- a Ia. Amdg. sundry laws rel. to publication of legal notices. 32§ '06 ch.9, 10 Ap
- b Va. Amdg. C. §3232 rel. to orders of publications and publication of copies of process and notices. 1§ '06 ch.54, 27 F

699

**Commencement of action**

- a Ark. Causes of action of like nature or rel. to same question in Circuit or Chancery Courts may be consolidated. 2§ '05 ch.339, 11 My
- b Ia. Prescribing how action may be brought on when evidence of indebtedness is lost, stolen or destroyed. 2§ '06 ch.150, 10 Ap
- c Ia. Amdg. C. §3540 rel. to publication of original notices in commencement of actions against unknown defendants. 1§ '06 ch.154, 26 F

701

**Limitations**

*See also* special subjects as Mechanics lien, Personal injury etc.

- a Ia. Extending time 6 months within which action may be brought against estates of decedents. 1§ '06 ch.151, 10 Mr
- b Mon. Declaring invalid 'or p.157 rel. to statute of limitations. Informality in passage.  
Palatine Ins. Co. v. Northern Pacific Ry. Co. 85 P. 1032 (1906)
- c N. J. To regulate collection of interest on claim barred by statute of limitations. 1§ '06 ch.298, 1 Jc

703

**Place of action. Jurisdiction**

*See also* 605-55, Special courts

- a Ia. Amdg. C. §3494 rel. to place of bringing actions on bonds. 1§ '06 ch.153, 30 Mr
- b Ky. Amdg. C.C. §74: venue of actions for libel. 1§ '06 ch.100, 21 Mr

705

**Summons. Process**

- a Ia. Amdg. C. §1612: corp. not maintaining office in county of organization or doing business in state to authorize Sec. of State to acknowledge service of process. 1§ '06 ch.64, 10 Ap
- b Md. Process against corporations in criminal cases. Adds C. '04 art.27 §651-52. 2§ '06 ch.403, 3 Ap



## CIVIL PROCEDURE

705

- c **Mass.** Amdg. R.L. ch.167 §28: writ in action brought against local division, religious society, proprietors of wharves, general fields or real estate lying in common, as trustee, to be served 7 days before return day. 2§ '06 ch.201, 26 Mr
- d **Mass.** Service of trustee process on officer of foreign corp. doing business in state as valid as if made on Com'r of Corporations. 1§ '06 ch.269, 10 Ap
- e **N. J.** Amdg. '03 ch.165 §17 rel. to service of summons on domestic corp.: if no director, service may be made on agent in charge of any office in county. 2§ '06 ch.33, 26 Mr

708

### Trial. Pleadings

- a **N. J.** Supplementing '00 ch.149: issues joined in Supreme Court may be tried by justice of Supreme or Circuit Court. 2§ '06 ch.118, 13 Ap
- b **N. J.** Amdg. '98 ch.228 §64 as to filing of claim for recoupment of damages in action on contract. 2§ '06 ch.251, 17 My
- c **N. J.** Amdg. '03 ch.247 §97: filing of affidavit of merit in action on contract against domestic and foreign corporations. 1§ '06 ch.306, 12 Je
- d **N. Y.** Amdg. C.C.P. §2891, 2936, 2938, 2988 rel. to pleadings in Justices Court; complaint; answer; judgment by default. Rep. '81 ch.414, '89 ch.472. 5§ '06 ch.291, 20 Ap

710

### Change of venue or judge

*See also 668, Judges*

- a **O.** Amdg. R.S. §550 rel. to change of venue in Common Pleas Court when judge is disqualified to sit. 2§ '06 p.59, 17 Mr

712

### Pleadings. Motions

- a **Va.** "An act rel. to demurrers to evidence." 1§ '06 ch.177, 14 Mr

713

### Preference

- a **N. Y.** Amdg. C.C.P. §791 ¶5: actions by Compt. of Currency of U. S. entitled to preference in order of trial of civil actions. 1§ '06 ch.6, 19 F
- b **N. Y.** Amdg. C.C.P. §791 subdiv. 1 rel. to preference of causes on trial calendar; actions brought by people of state on relation of party. 1§ '06 ch.51, 13 Mr

717

### Evidence. Witnesses

*See also 246, Perjury*

719

### Books. Papers. Laws

- a **Cal.** Secondary evidence of public records or documents destroyed by public calamity. Adds C.C.P. §1855a. 1§ '06 ch.52, 16 Je

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- b **Ky.** Amdg. S.'03 §4545: certified copies of records in office of Sec. of State to be evidence; presence of Sec. in court to identify same not required. 1§ '06 ch.27, 16 Mr
- c **Md.** Copies of books, etc., of State Tax Com'r to be received as evidence. 1§ '06 ch.26, 27 F

720

## Competence. Forms etc.

- a **Ark.** Amdg. S.'04 §3138: witness may be impeached by evidence of gen. reputation for *immorality* [morality]. 2§ '05 ch.52, 23 F
- b **La.** Limiting admissibility of parol evidence to prove debt of party deceased. 2§ '06 ch.207, 12 JI

721

## Depositions. Affidavits

- a **Ark.** Amdg. S.'04 §3184-85: in depositions of witnesses statement of witness may be written by any one called by officer, or by stenographer. 4§ '05 ch.326, 11 My

722

## Evidence in chancery

- a **Ia.** Amdg. C. §3652 rel. to evidence in equitable actions: may be taken in shorthand. 1§ '06 ch.155, 14 F

726

## Jury. Verdict

727

## Exemptions

*See also 2614, Firemen*

- a **La.** Commercial travelers exempt from jury duty. 3§ '06 ch.18, 25 Je
- b **R. I.** Supplementing court and practice act 1905 §75: pilots and mariners exempt from jury duty. 1§ '06 ch.1319, 3 Ap
- c **Va.** Amdg. C. §3140 as to exemption from jury service of members of Va. volunteers. 1§ '06 ch.95, 8 Mr

728

## Fees and mileage

- a **Ark.** Amdg. S.'04 §3519: juror to receive 5c a mile to and from home; amount to be taxed as costs. 5§ '05 ch.291, 6 My

729

## Jury commissioners

- a **N. Y.** Amdg. '99 ch.441 §6: com'r of jurors in county over 65,000 may appoint assistant. 1§ '06 ch.222, 12 Ap

730

## Qualifications. Drawing. Impaneling

- a **Ky.** Amdg. S.'03 §2241-43, 2247 rel. to drawing of grand and petit jurors. 4§ '06 ch.156, 24 Mr
- b **Neb.** Declaring invalid '05 ch.176 prescribing method of selecting juries in counties under 30,000. Method provided is impossible of execution. *Státe v. Reneau* 106 N. W. 451 (1905)
- c **N. J.** Supplementing R.S.'74 p.371 rel. to juries: eligibility; challenge; drawing of gen. panel. 3§ '06 ch.121, 16 Ap

## CIVIL PROCEDURE

733

### Appeals. Review

- a **Ark.** Declaring unconst. S.'04 §6217 rel. to setting aside of verdict by circuit judge on motion for new trial. Confers appellate jurisdiction on Circuit Court in violation of Const. art.7 §4.  
St Louis & N. A. R. Co. v. Mathis 91 S. W. 763 (1905)
- b **Cal.** Amdg. C.C.P. §954: when bond on appeal has been lost or destroyed, court may order giving of new bond with sureties as condition to maintenance of appeal. 1§ '06 ch.46, 14 Je
- c **Ia.** Amdg. C. §4114 rel. to service of notice on appeal to Supreme Court. 1§ '06 ch.158, 10 Ap
- d **Mass.** Amdg. R.L. ch.173 §96, 106 rel. to practice on appeal from Superior Court to Supreme Judicial Court. Rep. §76. 4§ '06 ch.342, 30 Ap
- e **Mass.** Amdg. R.L. ch.173 §97: appeal to Superior Court by joint defendants in case not all defendants join; codefendant not joining not liable for costs. 1§ '06 ch.451, 5 Je
- f **N. J.** 1 of 2 or more parties entitled to bring error on same record against same defendant suing forth writ of error may have severance if coplaintiffs on notice fail to join in prosecuting writ; defendant may file cross assignments. 2§ '06 ch.32, 26 Mr
- g **R.I.** Amdg. court and practice act 1905 §328, 337 rel. to appeal in equity causes: *when sale of real or personal property ordered*, by interlocutory order or decree, appeal may be taken from Superior Court to Supreme Court. 2§ '06 ch.1351, 20 Ap
- h **Va.** Amdg. C. §3507 as to payment of costs for printing petitions on appeal to Supreme Court of Appeals; fees of clerk. 1§ '06 ch.153, 10 Mr
- i **Va.** Judgment of law court of record requiring plaintiff to remit part of recovery, if accepted under protest may be reviewed by Supreme Court of Appeal on writ of error. 1§ '06 ch.167, 12 Mr

735

### Judgments

- a **N. J.** Declaring unconst. G.S.'95 p.2336 §2 rel. to actions against joint debtors and providing that judgment may be entered against parties not served. Takes property without due process of law.  
U. S. v. Griefen 62 A. 993 (1906)
- b **O.** Judgment of U. S. District or Circuit Court for Ohio may be filed in Court of Common Pleas; to be indexed and docketed and be lien on real estate; fees. 3§ '06 p.62, 19 Mr

736

### Executions. Judicial sales

See also 451, Exemptions from execution

- a **Cal.** Execution of judgment from Justices Court, including judgment in case of forcible entry and detainer, may be stayed for 10 days. Adds C.C.P. §901a. 1§ '06 ch.33, 14 Je
- b **Ia.** Amdg. C. §4025: service of notice to defendant in sales under execution. 1§ '06 ch.157, 15 Mr

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- c **La.** Sheriff or constable to put purchaser of seized property in possession, where occupant refuses to vacate. 1§ '06 ch.113, 7 Jl
- d. **Md.** Provisions of C. art.75 §136-40 rel. to supplementary proceedings to apply to judgments rendered before justices of peace; record; jurisdiction. Adds §140A. 1§ '06 ch.396, 3 Ap
- e **N. J.** Amdg. '02 ch.158 §52: chancellor may issue new writ of execution on death or inability of sheriff, *master in chancery, receiver* or other person to whom execution *for sale of lands* was issued. 2§ '06 ch.56, 30 Mr
- f **N. J.** Amdg. R.S.'74 p.754 §6: publication of notice of time and place of adjournment of sale of lands under statute or judicial proceedings. 1§ '06 ch.86, 6 Ap
- g **N. J.** Supplementing R.S.'74 p.752: purchaser of real estate at certain public sales to be relieved from bid if before delivery of deed, defect or cloud on title shown; proviso. 1§ '06 ch.144, 20 Ap
- h **N. J.** Confirmatory deed may be issued when deed given by public officer on sale of land under public statute or judicial proceedings is lost prior to recording; fees. Supplements R.S.'74 p.752. 2§ '06 ch.279, 18 My

737

## Costs. Bonds

- a **Md.** Premium paid for surety bond in action at law or in equity may be taxed as costs. Adds C.'04 art.24 §10. 1§ '06 ch.271, 2 Ap

739

## Special actions

741

### Attachment

*See also 451, Exemption from execution*

- a **N. Y.** Amdg. C.C.P. §687: defendant may apply for discharge of attachment at any time after appearing in action [and before final judgment]. 1§ '06 ch.507, 21 My
- b **N. Y.** Amdg. C.C.P. §688: on application made for discharging attachment, defendant to give such security as required for perfecting appeal to Court of Appeals from final judgment. 1§ '06 ch.508, 21 My

742

### Garnishment

- a **Ga.** Amdg. '04 p.100: wages of nonresident wholly earned without state not subjected to attachment in state. 2§ '06 p.120, 20 Ag
- b **Ill.** Declaring unconst. '05 p.285 rel. to garnishment of salary and wages of officers and employees of counties, cities, villages and school districts. Takes property without due process of law, class legislation and violates art.4 §13 of state Const.  
Badenoch v. City of Chicago 78 N. E. 31 (1906)
- c **Md.** Msdr. to transfer or assign claim for debt to nonresident. Adds C.'88 art.83 §17A. 1§ '06 ch.228, 30 Mr

## PUBLIC PROPERTY

748

### Contracts

*See* 453

### Divorce

*See* 489

### Foreclosure

*See* 410

### Probate procedure

*See* 429

748

### Title and possession of property

*See also* 381

- a **Ky.** "An act rel. to possession of land . . . where . . . severance of mineral or other interests from surface." 1§ '06 ch.7, 26 F
- b **Mass.** Amdg. R.L. ch.183 §1: Land Court [Superior Court of county] to determine boundaries of ownership in flats adjacent to or covered by high water. 4§ '06 ch.50, 1 F
- c **N. Y.** Amdg. C.C.P. §960: proof of title in action *to recover possession or otherwise determine title to* unoccupied lands, timber, trees or underwood, or in action for trespass. 1§ '06 ch.509, 21 My

### 749 Writs: certiorari, injunction, mandamus, prohibition, quo warranto, scire facias

- a **N. J.** Amdg. '03 ch.174 §11 rel. to writs of certiorari: court to determine law and fact in actions brought to remove *tax or* assmt. rel. to public improvement. 1§ '06 ch.297, 24 My
- b **Va.** Amdg. C. §3022: writ of quo warranto may be awarded against corp. where charter obtained *from State Corp. Com'n* for fraudulent or unauthorized purpose. 1§ '06 ch.22, 15 F

750

## ADMINISTRATIVE LAW

This and Constitutional law, 15, make up what is commonly known as the Political Code

770

## Finance. Public property

*See also* 2237, School finance; 2550, Local finance

772

## Domain. Property

774

### Public lands

*See also* 2240, School lands

- a **Cal.** Declaring unconst. P.C. §3495 defining land suitable for cultivation as affecting Const. art.17 §3 rel. to granting of lands suitable for cultivation to settlers. Limits effect of constitutional provision. Robinson v. Eberhart 83 P. 452 (1906)
- b **Ia.** Amdg. C. §88: salary of clerk of State Land Office \$1500 [\$1200]. 1§ '06 ch.4, 16 Mr

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**Deeds. Titles**

- a **Ia.** Amdg. C. §4633 rel. to recording of U. S. and state land patents: certified copies thereof to be competent evidence. 1§  
'06 ch.159, 6 F

778

**Tide, shore and swamp lands**

- a **Ia.** Rev. '04 ch.185 rel. to sale and disposal of abandoned river channels and also sand bars or islands in navigable waters. 17§  
'06 ch.212, 6 Ap
- b **La.** Amdg. '02 ch.124 rel. to sale of dry lake lands by state: applications on hand to receive preference. 1§ '06 ch.185, 11 J1
- c **N. J.** State to reenter on leased riparian property when rent in arrears or unpaid. 2§ '06 ch.83, 6 Ap
- d **N. J.** Joint leg. committee to investigate subject of grants and leases of riparian rights by state. 3§ '06 p.742, 22 My

779

**Buildings. Property and supplies**

780

**Buildings and grounds**

- a **Cal.** Com'n designated to locate sites for state buildings at San Francisco and erect same; management; \$500,000. 6§  
'06 ch.16, 12 Je; '06 ch.17, 12 Je
- b **Ia.** Amdg. C. §146: term of Custodian of Public Buildings and Property, to expire on Mar. 31 of *odd* [even] numbered years. 1§  
'06 ch.8, 10 Ap
- c **Md.** Amdg. '04 ch.152 rel. to salaries of guards and employees of state buildings at Annapolis. '06 ch.551, 3 Ap
- d **N. Y.** Amdg. public buildings law '93 ch.227 §8: municipality not to interfere with State Architect's plans for construction of a state building or stipulate manner of performing contract. 1§  
'06 ch.434, 14 My
- e **Va.** Assignment of offices to several state officers in state buildings. 2§ '06 ch.183, 14 Mr
- f **Va.** Amdg. C. §288, 299 rel. to duties of Sup't of Public Grounds and Buildings: appointment and control of janitor service of Capitol; control of grounds. 3§ '06 ch.218, 14 Mr

781

**Capitol**

- a **Ky.** Supplementing '04 ch.2: \$250,000 additional appropriation for completion of Capitol. 1§ '06 ch.89, 21 Mr
- b **N. J.** Supplementing '94 ch.339: State House Com'n to make improvements in Capitol; \$100,000. 2§ '06 ch.164, 30 Ap
- c **N. D.** Declaring unconst. '05 ch.166 rel. to Capitol com'n. Contains unwarranted delegation of leg. powers.  
State v. Budge 105 N. W. 724 (1905)
- d **Wis.** Amdg. '05 ch.516 providing for enlargement of Capitol. 7§  
'05 (ex. sess.) ch.15, 19 D

## PUBLIC PROPERTY

784

### Property and supplies generally

787

#### *Contracts and supplies*

789

#### OFFICERS: INTEREST IN CONTRACTS

- a La. Penalty for public officer using his position for benefit of his private interest; public money to be deposited in banks paying interest. 4§ '06 ch.128

790

#### *State institutions*

- a N. J. Amdg. '05 ch.57 §4: Com'r of Charities and Corrections to superintend construction of state buildings and may appoint sup't of construction. 1§ '06 ch.15, 9 Mr

791

#### *Insurance*

- a Ky. Rep. S.'03 §224 which required managing bd of charitable inst. to keep buildings and furniture insured. 1§ '06 ch.148, 24 Mr  
b Ky. Amdg. S.'03 §350: rep. provision which authorized Custodian of Public Buildings to insure public property at capital. 2§ '06 ch.149, 24 Mr

792

#### *Sale of property*

- a Md. Bd of Public Works may direct sale of state's interests in works of internal improvement or in corporations. 5§ '06 ch.185, 27 Mr

793

### Public works

- a O. Amdg. '78 p.584 §2 rel. to Bd of Public Works: term of members made 2 [3] years to conform with Const. 1851 art.17 §1; abolishing Ohio Canal Com'n and transferring powers and duties to bd; appointment of additional engineers and inspectors; leases and sales of state or canal lands to be approved by Gov. and Atty. Gen. 7§ '06 p.304, 2 Ap

797

#### *Light, water and sewerage plants*

- a O. Com'n designated to instal electric light and power plant for State House and Capitol; \$25,000. 1§ '06 p.168, 31 Mr

798

### State parks

*See, also* 1894, Forest preserve; 2369, Scenic and historic places

- a N. Y. Amdg. '00 ch.170 §4, 5, 9, 17 rel. to extension of Palisades Interstate park. 4§ '06 ch.691, 1 Je  
b O. Amdg. '02 p.277 §4, 7, 8 rel. to management of state reservoir parks: seizure and disposal of boats unlawfully used on state reservoirs. 4§ '06 p.362, 2 Ap

800

## Taxation (general)

Relating chiefly to general property taxes. Under local finance are placed only those tax laws which belong there, as limitations of rates, etc. State and local taxes are usually collected together by local authorities; hence a separation would be confusing. *See also* 2713, Road taxes

- a Ky. Gen. revenue law. 318§ '06 ch.22, 15 Mr  
b La. Com'n of 15 taxpaying citizens appointed by Gov. to investigate laws rel. to taxation and asmt. in La. and other states of U. S. and report to Gov. 12 months after appointment. 1§ '06 ch.191, 11 Jl

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- c **Mass.** Amdg. R.L. ch.14 §2: \$22,500 [\$19,500] annual appropriation for additional clerk hire for State Tax Com'r. 1§  
'06 ch.322, 28 Ap
- d **Minn.** Amdg. Const. 1857 as substitute for art.9 §1-4: power of taxation indestructible; taxes to be uniform and for public purpose; exemptions; special assmts. 3§. Adopted Nov. 1906.  
'06 ch.168, 13 Ap
- e **N. Y.** Com'n to be appointed to consider advisability of revising tax laws; report to Leg. of 1907; \$25,000. 3§ '06 ch.346, 30 Ap

808

## Taxation of personal property

*See also 823, Assessment*

- a **N. Y.** Personal property of nonresidents in state to be taxed; exceptions. Adds §7 subdiv.2 to tax law '96 ch.908. 1§  
'06 ch.248, 16 Ap

809

## Money and securities

Laws relating to assessment included. *See also 841, Corporation taxes*

- a **Cal.** Amdg. Const. 1879 rep. art.13 §5 which declared illegal all-contracts for the payment by mortgagor of tax upon mortgage. Adopted Nov. 1906. '06 p.90, 12 Je
- b **Md.** Amdg. C.'04 art.81 §183: exempting Dorchester county from 8% tax on interest from mortgages. 1§ '06 ch.794, 5 Ap
- c **N. Y.** Rev. '05 ch.729 rel. to taxation of mortgages: abolishing annual tax of ½% and substituting recording tax of ½%. 23§  
'06 ch.532, 22 My

810

## Exemptions from general property tax

*See also under special classes of taxes; also 1283, Railways; 1633, Encouragement of industries*

- a **La.** Amdg. Const. 1898 art.230 removing exemption on rectories and parsonages from taxation and placing mortgages on real property and mortgage notes in the exempt class. 2§. Rejected Nov. 1906. '06 ch.215, 12 Jl
- b **Mass.** State bonds and certificates of indebtedness hereafter issued to be exempt from taxation. 1§ '06 ch.493, 16 Je
- c **N. Y.** Amdg. '91 ch.105 §491 rel. to tax exemption of bonds of Buffalo. 1§ '06 ch.90, 22 Mr
- d **Or.** Declaring unconst. '03 (ex. sess.) p.28 §8 rel. to householders exemptions from taxation. Conflicts with art.9 §1 of state Const. requiring uniform and equal rate of taxation.  
Wallace v. Bd of Equalization 86 P. 365 (1906)
- e **Tenn.** Declaring unconst. '03 ch.258 §25 in so far as it exempts state bonds from assmt. in assessing the shares of stock in corporations. Imposes a nonuniform and unequal tax.

State Nat. Bank v. City of Memphis 94 S. W. 606 (1906)



## TAXATION

### 812 Charitable, educational and religious institutions and societies

- a **Cal.** Amdg. Const. 1879 art.9 by adding §13 exempting Cogswell Polytechnical College from taxation; Leg. may revive or modify at will. 1§. Adopted Nov. 1906. '05 p.1072, 10 Mr
- b **Ia.** Exempting from taxation funds of fraternal beneficiary ass'ns incorporated under C. §1822. Adds C. §1304 subdiv.8. 1§ '06 ch.48, 10 Ap
- c **N. Y.** Amdg. '96 ch.908 §4 subdiv.7: real property held by corp. not for profit on condition that title revert in case unsuitable building erected, to be exempt from taxation. 1§ '06 ch.336, 27 Ap
- d **Tex.** Amdg. Const. 1876 art.8 §2: Leg. may exempt from taxation endowment fund of educational and religious inst. invested in bonds and mortgages. Adopted Nov. 1906. '05 p.410, 15 Ap

### 816 Veterans and veterans organizations

- a **Mass.** Civil War veterans and their widows may be exempted from poll tax and from property tax to amount of \$1000 in case total value of property does not exceed \$5000. '06 ch.315, 24 Ap
- b **Miss.** Exempting from taxation property used for Confederate Soldiers' Home. 1§ '06 ch.119, 2 Ja

### 819 Assessment

- a **Ark.** Amdg. S.'04 §6988 rel. to duties of assessor: to give notice to property owner on increase of valuation; to give owner of personal *and real* property copy of assmt., on demand. 1§ '05 ch.260, 6 My
- b **Cal.** Amdg. P.C. §3705: State Bd of Equalization may extend time 40 days for performance of act by county tax official or bd in case of public calamity. 1§ '06 ch.57, 16 Je
- c **Cal.** Restoration of assmt. roll when destroyed by public calamity. 1§ '06 ch.62, 16 Je
- d **Ia.** Assmt. and taxation of property in special charter cities; C. §1305 not to apply to such cities. 3§ '06 ch.33, 23 Mr
- e **Ky.** Amdg. S.'03 §3176: property in city of 2d class to be assessed as of Sept. 1 [15]. 1§ '06 ch.135, 22 Mr
- f **La.** Amdg. Const. 1898 art.309: assessors and tax collectors for New Orleans to be *elected* [appointed by Gov.]. 2§. Adopted Nov. 1906. '06 ch.8, 22 Je
- g **La.** Amdg. '98 ch.170 §24, 26 rel. to assmt. of annual taxes and method of reviewing same. 3§ '06 ch.63, 2 Jl
- h **La.** Tax assessors to be *elected* [appointed by Gov.]: parish of Orleans excepted pending adoption of const. amdt.; not to be registrars of voters; vacancy of 1 year filled by special election. 6§ '06 ch.78, 5 Jl
- i **O.** Declaring unconst. '85 p.152 rel. to assmt. of taxes and applicable to only 4 counties of the state. Special legislation.

State v. Lewis 78 N. E. 523 (1906)

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- j O. Declaring unconst. '88 p.170 rel. to assmt. of taxes and emptying 4 counties of the state from its operation. Special legislation. State v. Lewis 78 N. E. 523 (1906)

820

## Real estate

- a Ia. Amdg. C. §922-24 rel. to platting of land by county auditor for assmt. and taxation. 3§ '06 ch.30, 5 Ap
- b N. J. Supplementing '03 ch.208: land of county or taxing district situated in other taxing district to be taxed in such district at true value without regard to buildings or improvements. 1§ '06 ch.147, 20 Ap
- c Va. Declaring invalid '03 ch.388 rel. to assmt. of land. Defect in passage. Whitlock v. Hawkins 53 S. E. 401 (1906)
- d Va. Extending provisions of C. §437a rel. to assmt. of mineral lands to include standing merchantable timber. 1§ '06 ch.50, 21 F
- e Va. Reenacting C. §437-47 rel. to assmts. of lands, declared unconst. owing to defect in passage. 14§ '06 ch.319, 17 Mr

823

## Personal property

- a Ark. Timber sold separately from land to be taxed as personal property. 2§ '05 ch.146, 7 Ap
- b Ark. Timber rights owned separately from soil to be separately assessed; sale for delinquent taxes and redemption. 5§ '05 ch.303, 6 My
- c Md. Amdg. C.'04 art.81 §200: gen. listing of personal property to be made in 1908 [1906] and every 6 years thereafter. 1§ '06 ch.320, 3 Ap
- d Miss. To prohibit loaning of money by individuals in name of bank; assignments of indebtedness secured by mortgage to be recorded in 30 days. 2§ '06 ch.107, 13 Ap

824

## Domestic animals

Taxation and assessment. See also 1889, Dog tax

- a Or. Declaring unconst. '05 ch.156 taxing all foreign sheep coming into state for pasturage or being driven through the state. Imposes an unequal and nonuniform tax. Reser v. Umatilla County 86 P. 595 (1906)
- b Or. Declaring unconst. '05 ch.162 rel. to taxation of live stock pastured in more than one county during the year. Imposes unequal tax. Lake County v. Schroder 81 P. 942 (1905)

825

## Review. Equalization. Adjustment

For equalization by state boards see 800, Taxation (general)

- a La. Amdg. '98 ch.170 §24, 26 rel. to assmt. of annual taxes and method of reviewing same. 3§ '06 ch.63, 2 Jl
- b La. Creating State Bd of Equalization: duties and powers; time and place of meetings; assmt. roll; equalization between parishes. 15§ '06 ch.182, 11 Jl

## TAXATION

825

- c **La.** Police juries to meet as bd of reviewers on 1st Monday in June. 2§ '06 ch.194, 11 Jl
- d **N. J.** Supplementing '03 ch.208: county bds of taxation, consisting of 3 members each, to be appointed for 3 years by Gov. and Senate; salaries graded according to population of county; powers and duties. 14§ '06 ch.120, 14 Ap

827

### Collection

- a **Ia.** Amdg. C. §902: monthly payment of tax collections by county treasurer to municipality. 1§ '06 ch.29, 23 Mr
- b **N. J.** Supplementing '03 ch.208 rel. to taxation: powers of officer to collect taxes and sell property for taxes to devolve on successor on expiration of term on vacancy in office. 2§ '06 ch.4, 24 F
- c **N. J.** Pending appeal from assmt. of taxes fixed by assessor, amount agreed on or fixed by Bd of Equalization may be deposited to save interest. 4§ '06 ch.9, 7 Mr
- d **N. J.** Governing body of municipality may, when records destroyed, reduce rate of interest on taxes or assmts. if payment made within time fixed, not over 1 year. 1§ '06 ch.66, 2 Ap
- e **Va.** Amdg. C. §603 as to times for collecting taxes in the several magisterial districts. 1§ '06 ch.41, 20 F

### 829 Delinquent taxes. Tax sales. Redemption

- a **Ark.** Amdg. S.'04 §7074: publication of delinquent personal tax list not required. 1§ '05 ch.54, 24 F
- b **Ark.** Delinquent lands in county having 2 judicial districts to be advertised and sold in districts in which lands lie; sheriff and county clerk may attend sales by deputies. 3§ '05 ch.313, 6 My
- c **Fla.** Declaring unconst. '95 ch.95 in so far as it prohibits gathering turpentine from timber sold for taxes. Subject not expressed in title. Ex parte Knight 41 S. 786 (1906)
- d **Ga.** Amdg. C. '95 §735 rel. to redemption of property purchased by municipality for mun. taxes. 1§ '06 p.32, 21 Ag
- e **Ia.** Penalty on unpaid taxes in city under special charter. 1§ '06 ch.32, 5 Ap
- f **Ia.** Amdg. C. §1391 rel. to delinquent taxes: taxes unpaid at end of 4 years may be credited to county treasurer as unavailable. 1§ '06 ch.51, 10 Ap
- g **Ia.** Amdg. C. §1407 rel. to collection of delinquent taxes by sale of personal property. 1§ '06 ch.53, 26 F
- h **Mich.** Declaring unconst. '01 ch.128 providing that owner of land sold for taxes who fails to bring action to establish his title within 6 months after service of notice to redeem is estopped. Takes property without due process of law. O'Connor v. Carpenter 107 N. W. 913 (1906)
- i **N. J.** Amdg. '03 ch.208 §52, 55 rel. to delinquent tax sales: form of certificate of sale; fees. 3§ '06 ch.207, 3 My

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- j N. J. Amdg. '98 ch.193 §14 rel. to adjustment of tax arrearages: appointment and fees of counsel to com'rs of adjustment. 1§  
'06 ch.265, 17 My
- k N. J. Amdg. '89 ch.194 §4: proceedings when land sold to meet tax and assmt. arrearages belongs to idiot or insane person. 1§  
'06 ch.268, 17 My
- n O. Amdg. R.S. §2847 as to preference of lien on real estate, when taxes paid by person other than owner. 2§ '06 p.285, 2 Ap
- p Va. Sale of lots purchased by state for delinquent taxes and not redeemed within 4 years. 18§ '06 ch.52, 23 F

831

### Poll taxes

*See also* 132, Suffrage; 816, Exemption from taxation; 2714, Roads

- a Ark. Amdg. S.'04 §2771: annual list filed with county clerk, of those who have paid poll tax, to be arranged according to political or voting townships and color. 2§ '05 ch.265, 6 My

833

### Business taxes. Revenue, license or privilege taxes

*See also* 842, Incorporation taxes; 907, Liquor licenses; 1532, Regulation and licensing of trades and occupations

- a Ga. Amdg. gen. tax law '05 p.23 §2 ¶10, 36, 48 rel. to tax on insurance agents, bottling works and manufacturers or dealers in tobacco; providing for tax on trading stamp business. 4§  
'06 p.21, 20 Ag
- b Ky. Minor amdots. to '94 ch.100 art.4 §1 subdiv.2 rel. to business license taxes in cities of 2d class. 1§ '06 ch.68, 21 Mr
- c Ky. "An act . . . providing for license taxes on compounded, rectified, adulterated or blended distilled spirits. . ." 8§  
Law of extra session 1906, approved 28 Mr
- d La. Amdg. '98 ch.171 §14 generally lowering rate of license tax on certain trades and professions. 1§ '06 ch.62, 2 Jl
- e La. Claims for licenses prescribed by 3 years; when license becomes delinquent; burden of proof on defendant; additional method of serving process; social club selling intoxicating liquors to pay. 5§ '06 ch.148, 10 Jl
- f La. Amdg. '98 ch.171 §4, 8 rel. to license tax: rate on life insurance companies lowered and tax *limited to risks located in state* [other states and foreign countries]; cotton, future and stock brokers. 2§ '06 ch.214, 12 Jl
- g S. C. Declaring unconst. '04 ch.252 exempting Confederate veterans who enlisted from the state from license for carrying on any business. Denies equal protection of laws.  
City of Laurens v. Anderson 55 S. E. 136 (1906)
- h Va. Defining business of lightning rod dealer selling by sample; state and local license taxes. 4§ '06 ch.251, 15 Mr

## TAXATION CORPORATIONS

833

- i Va. Amdg. '03 ch.148 §139 rel. to business tax on various slot machines. 1§ '06 ch.292, 17 Mr
- j Va. Amdg. '04 ch.20 §134 rel. to privilege tax on persons running vehicles for hire. 1§ '06 ch.324, 19 Mr

835

### Tax on deeds and contracts. Fees

- a N. Y. Amdg. tax law '96 ch. 908 §315, 317, 321 rel. to tax on transfer of stock: refunding in case of erroneous cancelation of stamps; msdr. to make sale, *transfer or agreement to sell* stock without payment of transfer tax; memoranda of transfers to be open to inspection for 3 months. 3§ '06 ch.414, 11 My

836

### Inheritance taxes

- a Ia. Amdg. C. §1467 rel. to collateral inheritance tax: property of stepchild or lineal descendant of decedent to be exempt; hospitals, free libraries and art galleries open to public 3 days a week, exempt. 1§ '06 ch.54, 26 F; '06 ch.55, 10 Mr
- b Ky. Collateral inheritance tax of 5%; \$500 exemption. 18§ '06 ch.22 art.19, 15 Mr
- c La. Rev. '04 ch.45 rel. to inheritance tax: rates; procedure; costs. 25§ '06 ch.109, 7 JI
- d Mass. Amdg. R.L. ch.15 §1: property given in trust for public charitable purposes exempt from collateral inheritance tax. 2§ '06 ch.436, 31 My
- e N. J. On information as to property liable to inheritance tax, Compt. may pay over part of tax to informer. Supplements '94 ch.210. 1§ '06 ch.227, 15 My
- f N. J. Amdg. '94 ch.210 §1, 4 rel. to inheritance tax: exemption of property under \$500; discount for payment within year. 2§ '06 ch.228, 15 My
- g N. Y. Amdg. tax law '96 ch.908 §240a: Compt. to pay to Treasurer transfer taxes *by 10th day of each month*. 1§ '06 ch.111, 28 Mr
- h O. Rep. '04 p.398 which provided for direct inheritance tax. 1§ '06 p.229, 2 Ap

841

### Corporation taxes

Including taxation by general property tax

- a Cal. Generally amdg. '05 ch.386 rel. to license tax on corporations: annual tax \$20 [§10]; provision for settling affairs of corp. in case of forfeiture. Adds §10a-b. 11§ '06 ch.19, 13 Je
- b Ky. Declaring invalid '00 ch.29 amdg.'98 ch.38 rel. to assmt. for taxation of corporate franchises by cities of 1st and 2d class in so far as it relates to cities of 3d class. Defective title.  
Henderson Bridge Co. v. Alves 90 S. W. 995 (1906)
- c Md. Amdg. C. '88 art.81 §138: banks and other incorporated insts. to furnish annually to county com'rs or Appeal Tax Court of Baltimore, lists of stockholders and valuation of stock *as on Jan. 1 preceding*. 1§ '06 ch.84. 13 Mr

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- d **Md.** Amdg. C. '04 art.81 §164: graduation of gross receipts tax on transportation, safe deposit and trust, fertilizer and other corporations. 1§ '06 ch.712, 5 Ap
- e **Mass.** Amdg. sundry laws rel. to returns to be made by various corporations to State Tax Com'r. 13§ '06 ch.271, 11 Ap
- f **Mass.** Amdg. R.L. ch.14 §67 rel. to petitions for abatement of corp. taxes: application may be brought within 6 years, in case of tax exacted in consequence of statute of any other state. 1§ '06 ch.349, 3 My
- g **N. J.** Designating franchise tax to be paid by corp., not subject to payment of franchise tax based on gross receipts; proviso. 2§ '06 ch.19, 12 Mr
- h **N. Y.** County clerk to furnish data concerning corporations to clerk of town designated as principal place of business; town clerk to file same and mail notice of filing to town assessors. Adds §28a to tax law '96 ch.908. 1§ '06 ch.425, 11 My
- i **N. Y.** Amdg. tax law '96 ch.908 §181-83, 185, 190 rel. to state license and franchise tax on corporations: basis of determining amount of capital stock employed within the state; tax on electric railroads. 5§ '06 ch.474, 16 My
- j **Va.** Amdg. '03 ch.148 §41 rel. to annual registration fee as assessed on corp. by State Corp. Com'n; failure for 2 years to pay same or to make financial report to operate *without further proceedings* as revocation of charter. 1§ '06 ch.294, 17 Mr

### 842 Incorporation and license fees and taxes

*See also 500, Corporations*

- a **Ark.** Fees for filing articles of incorp. in office of Sec. of State. 3§ '05 ch.261, 6 My
- b **Ky.** Amdg. S. '94 §540: 25c fee to Sec. of State for recording articles of incorp.; fees to be turned into state treasury. 1§ '06 ch.2, 21 F
- c **N. Y.** Amdg. tax law '96 ch.908 §180: domestic stock corp. on increase of capital stock, subsequent to decrease of stock on which organization tax has been paid, to pay additional tax only on increase above original amount of stock. 1§ '06 ch.524, 21 My
- d **Va.** Amdg. '03 ch.148 §39 rel. to fees for amdt. of corp. charter. 1§ '06 ch.325, 19 Mr

843

### Banking institutions

*See also 1679, Banking*

- a **Md.** Declaring invalid '04 ch.212 rel. to payment of franchise tax by savings banks. Defective title.  
State v. German Savings Bank 63 A. 481 (1906)  
Fidelity Savings Bank v. State 63 A. 484 (1906)
- b **Mon.** Declaring unconst. C.C. §611 rel. to taxation of trust deposit and security corporations. Imposes unequal tax.  
Daly Bank & Trust Co. v. Bd of Com'rs 81 P. 950 (1905)

## TAXATION CORPORATIONS

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### Insurance companies

*See also 1732, Insurance*

- a **Ga.** Amdg. gen. tax law '05 p.23 §2 ¶10, 36 and 48 rel. to tax on insurance agents, bottling works and manufacturers or dealers in tobacco: providing for tax on trading stamp business. 4§  
'06 p.21, 20 Ag
- b **La.** Amdg. '98 ch.170 §28: special method of assessing property of domestic life insurance companies. 1§ '06 ch.66, 4 J1
- c **La.** Amdg. '98 ch.171 §4, 8 rel. to license tax: rate on life insurance companies lowered and tax *limited to risks located in state* [other states and foreign countries]; cotton, future and stock brokers. 2§  
'06 ch.214, 12 J1
- d **N. J.** Amdg. '02 ch.134 §65: report of foreign insurance co. other than life to include premiums received and paid for reinsurance; reinsurance premium paid to be deducted from gross amount of premiums on which tax in lieu of franchise tax is based. 2§  
'06 ch.11, 9 Mr
- e **N. J.** Assmt. on life insurance companies; basis of taxation; deductions. Supplements '03 ch.208. 2§ '06 ch.218, 11 My

845

### Transportation and transmission corporations

*See also 1200, Transportation; 1283, Exemption of railroads*

- a **Ark.** Providing for assmt. of rolling stock or private cars used by railroad companies in this state and belonging to other than railroad companies. 9§ '05 ch.168, 14 Ap
- b **Mass.** Taxation of railroad corporations.  
'06 ch.463 pt2 §211-17, 7 Je
- c **Mass.** Taxation of street ry. companies.  
'06 ch.463 pt3 §125-37, 7 Je
- d **Mass.** Taxation of electric railroad companies.  
'06 ch.516 §14-26, 22 Je
- e **N. J.** Supplementing '84 ch.101, '88 ch.208 rel. to assmt. of railroad and canal property: "main stem," personal property and franchise to be assessed by State Bd of Assessors at "average rate of taxation" [formerly state tax of ½ of 1% on total value of property and franchise]. '06 ch.82, 5 Ap
- f **N. J.** Supplementing '88 ch.208 rel. to taxation of railroad and canal property: defining "main stem." 1§ '06 ch.122, 18 Ap
- g **N. J.** Supplementing '88 ch.208 §3: railroad and canal property other than "main stem," personal property or franchise to be locally assessed and taxed as other property [formerly assessed by State Bd of Assessors, see '05 ch.91]. 2§ '06 ch.280, 18 My
- h **N. J.** "An act for taxation of property and franchises of street ry. corporations . . .": gross receipts franchise tax to be gradually increased from 2% as provided in '00 ch.195 to a maximum of 5%. 8§ '06 ch.290, 23 My

845

- i **N. Y.** State Bd of Tax Com'rs may appear by counsel designated by Atty. Gen. in special franchise tax proceedings; cost of proceedings to be charged against tax district. Adds §45a to tax law '96 ch.908. 1§ '06 ch.155, 6 Ap
- j **N. Y.** Amdg. tax law '96 ch.908 §44 rel. to hearing on special franchise assmts.; notice to cities and towns. 1§ '06 ch.458, 15 My
- k **Or.** Requiring express, telegraph and telephone companies to pay annual license on gross earnings. 4§. Adopted on initiative petition June 4, 1906.
- n **Or.** Requiring sleeping car, refrigerator car and oil companies to pay annual license on gross earnings. 7§. Adopted on initiative petition June 4, 1906.
- p **Va.** Assmts. of transportation companies by State Corp. Com'n to be verified by chairman of bd of county supervisors and president of council. 1§ '06 ch.121, 10 Mr
- q **Va.** Amdg. '03 ch.148 §34 rel. to assmt. of telegraph and telephone companies: county sup't of schools to furnish boundaries of school districts to companies operating in county and to clerk of State Corp. Com'n; com'n to furnish certificates of assmt. to county and city treasurer. 1§ '06 ch.295, 17 Mr
- r **Va.** Amdg. '03 ch.148 §27 rel. to assmt. of railroad and canal corporations: certificates of assmts. to be furnished to county and city treasurers; county sup't of schools to furnish boundaries of districts to corporations operating in county. 1§ '06 ch.300, 17 Mr
- s **Wis.** Amdg. '03 ch.315 §17 rel. to taxation of railroads: validity of taxes levied. 1§ '05 (ex. sess.) ch.6, 19 D
- t **Wis.** Amdg. '05 ch.328 §1, 6: Atty. Gen. to bring actions against railroad for recovery of unpaid license fees; license fees to draw interest at 15%. 2§ '05 (ex. sess.) ch.10, 19 D
- u **Wis.** Railroad co. not to bring action to set aside tax levied under '03 ch.315 but may bring action to test validity of act; payment of tax condition to action; refund. 3§ '05 (ex. sess.) ch.11, 19 D

849

## Budget

See also 2575, Local finance

- a **Ark.** Amdg. S.'04 §6888: annual tax levy for expense of gov't *r* 3/4 [2¼] mills; proviso. 2§ '05 ch.266, 6 My
- b **Id.** Amdg. Const. 1889 art.7 §9: state tax rate on real and personal property limited to 1% of assessed valuation [maximum rate graded according to total valuation] except on majority vote at gen. election. 2§. Adopted Nov. 1906. '05 p.441, 2 Mr
- c **La.** Amdg. '98 ch.170 §1, 90: state tax levy 5 [6] mills; apportionment of taxes collected. 3§ '06 ch.28, 28 Je
- d **Md.** Amdg. C.'04 art.81 §22: levy and apportionment of state tax for 1907 and thereafter [1904-5]. 1§ '06 ch.404, 3 Ap



## DEBTS

### 853    **Accounts. Methods generally. Collection of moneys. Warrants**

*See also 2575, Local finance*

#### 854                    **Collection of state claims and revenue**

- a    **Md.** Amdg. C.'04 art.19 §37: Treasurer may settle claims of state against collectors etc. accruing prior to 1904 [1902]. 1§  
'06 ch.351, 3 Ap

#### 855                    **Claims against state**

- a    **N. Y.** Amdg. Military Code '98 ch.212 §165: militiaman injured in service to give notice of claim to Adjutant Gen. within 30 days; procedure. 1§  
'06 ch.420, 11 My
- b    **N. Y.** Amdg. C.C.P. §263-66, 268, 279 rel. to Court of Claims: term of judges 10 [6] years; salary \$8000 [\$5000]; jurisdiction of private claims against state *arising from state contract or appropriation of land*; 8 [4] sessions a year in Albany, Buffalo, Syracuse, Utica, Rochester. 6§  
'06 ch.692, 1 Je

#### 856                    **Examination and audit**

- a    **Va.** Each Leg. to appoint auditing committee of 2 senators and 3 delegates: to examine accounts of executive officers at capital with duties rel. to accounting for state revenue; \$2000 annual appropriation. 1§  
'06 ch.309, 17 Mr

#### 864                    **Warrants. Checks**

- a    **Mass.** Checks of Treasurer and Receiver Gen. unpaid 1 year after issue, to be payable only at office of same. Rep. R.L. ch.6 §59. 2§  
'06 ch.487, 15 Je
- b    **Va.** Allowances made by order of Circuit or Corp. Court must be presented to Auditor of Public Accounts for payment within 2 years. 1§  
'06 ch.209, 14 Mr

### 865                    **Debts. Bonds**

*See also 2597, Local finance*

- a    **Cal.** Amdg. Const. 1879 art.11 by adding §13½: public bond may be made payable in any place in U. S. 1§ Adopted Nov. 1906.  
'05 p.1067, 10 Mr
- b    **La.** Atty. Gen. added to Bd of Liquidation of State Debt. 2§  
'06 ch.20, 25 Je
- c    **Md.** Bd of Public Works may direct State Treasurer to sell any securities forming part of sinking funds, or to purchase for same. Adds C.'04 art.95 §31. 1§  
'06 ch.186, 27 Mr
- d    **Va.** \$74,000 annual appropriation for sinking fund to extinguish public debt. 1§  
'06 ch.6, 7 F
- e    **Va.** Amdg. C. §419-21 rel. to sinking fund: constitution of fund; use for buying up public debts bonds. 3§  
'06 ch.7, 7 F
- f    **Va.** Amdg. '92 ch.325 §7, 17 rel. to settlement of public debt: Com'rs of Sinking Fund may extend time till Jan. 1, 1908 for re-funding. 2§  
'06 ch.138, 10 Mr

868

## Deposits and depositories

*See also* 2600, Local finance

- a **Cal.** Amdg. Const. 1879 art.11 by adding §16½: regulating public depositories; security; apportionment. 1§. Adopted Nov. 1906. '05 p.1062, 7 Mr
- b **Ky.** Amdg. S.'03 §4692: Treasurer to designate 3 [3-5] banks with paid-up capital of \$50,000 [\$100,000] each as state depositories. 1§ '06 ch.5, 26 F
- c **La.** Penalty for public officer using his position for benefit of his private interest; public money to be deposited in banks paying interest. 4§ '06 ch.128
- d **Md.** Release of sureties on bond of bank used as state depository. Adds C.'04 art.90 §5C. 1§ '06 ch.453, 3 Ap
- e **Pa.** Regulating deposit of state funds; selection of state depositories. 13§ '06 ch.11, 17 F
- f **Va.** Amdg. C. §753: designating additional state depositories. 2§ '06 ch.145, 10 Mr

870

## Public order

*See also* 234, Crimes and offenses; 1332, Railroads

872

## Police

*See also* 206, Detectives; 1334, Railroads; 1817, Navigation

873

## Peace officers

*See also* 691, Sheriff

- a **Md.** Amdg. C.'88 art.23 §402: policemen for railroad and other corporations to be citizens of state. 1§ '06 ch.769, 5 Ap

874

## State and county police

- a **Mass.** Member of Inspection Dep't of District Police may be detailed for temporary service in Detective Dep't. 1§ '06 ch.262, 9 Ap
- b **Mass.** Salary of Chief of District Police \$3000. 1§ '06 ch.480, 14 Je

875

## Municipal police

- a **Ky.** Amdg. S.'94 §3140: minimum number of policemen and detectives in cities of 2d class. 1§ '06 ch.123, 22 Mr
- b **Ky.** Amdg. S.'03 §3629: council in city of 5th class may appoint policeman besides regular marshal. 1§ '06 ch.133, 22 Mr
- c **Md.** Appointment of special policemen in the city of Baltimore on application of person or corp. 1§ '06 ch.471, 3 Ap
- d **Mass.** Appointment of police com'r for Boston. 20§ '06 ch.291, 14 Ap
- e **N. J.** Declaring unconst. '05 ch.76 rel. to appointment of police com'rs in cities of 2d class under 100,000. Special legislation. State v. Nealon, 62 A. 182 (1905)

## POLICE REGULATIONS

875

- f N. J. "An act for summary review of proceedings on suspension, dismissal, retirement or reduction in rank of members of police force . . ." 5§ '06 ch.7, 7 Mr
- g N. J. In cities of 1st class pay of policemen to be fixed by bd of police com'rs; act to be adopted on vote. Supplements '85 ch.250. 3§ '06 ch.45, 27 Mr
- h N. J. To establish fire and police com'ns in cities of 2d class under 35,000, on submission to vote. 21§ '06 ch.270, 18 My
- i N. J. Chief of city police acting under '85 ch.201 may suspend officer or member of dep't; penalties. 3§ '06 ch.287, 22 My
- j O. Disposition of stolen or other property recovered by police; proceeds of sale of unclaimed goods to be used for police relief fund. Adds R.S. §6858 subdiv.1-3. 3§ '06 p.60, 17 Mr
- k R. I. Amdg. '01 ch.930 §1, 2: members of bd of police com'rs of Providence to be appointed by *mayor and aldermen* [Gov. and Senate]. 3§ '06 ch.1379, 6 Ap
- n R. I. Amdg. '00 ch.804 §2 rel. to powers and duties of bd of police com'rs of Newport. 1§ '06 ch.1391, 20 Ap

876

### *Pensions*

- a N. J. Village policemen may be retired on pension after 30 years service. 2§ '06 ch.222, 14 My
- b N. J. To provide for pensioning of policemen and officers in cities and towns, on submission to vote; no resubmission within 3 years. 8§ '06 ch.299, 1 Je
- c N. Y. Creating policemen's relief and pension fund for Utica. 15§ '06 ch.393, 10 My
- d N. Y. Provision for policemen's relief and pension fund in Niagara Falls. Adds '04 ch.300 §281-83. 3§ '06 ch.613, 24 My

877

## Miscellaneous police regulations

*See also 256, Crimes against public order and security; 264, Crimes against public morals and the family; 1065, Nuisances; 1090, Public safety; 2722, Roads*

879

### Amusements

Relating chiefly to restricted amusements

881

### Billiards. Bowls etc.

- a R. I. Extending to *box ball alleys* provisions of G.L. ch.104 §4, 5, 7, 8 regulating licensing of bowling alleys, billiard tables and shooting galleries. 4§ '06 ch.1323, 6 Ap

883

### Gambling. Lotteries. Betting

*See also 1507, Speculation*

- a Va. Amdg. '03 ch.111 prohibiting use of nickel-in-slot gambling devices: possession of machine to be *prima facie* evidence of use; exceptions. 2§ '06 ch.210, 14 Mr

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887 *Poolselling. Bookmaking etc.*

- a **Tenn.** Declaring unconst. '05 ch.82 prohibiting gambling on races and other gambling. Subject not expressed in title.  
State v. Hayes 93 S. W. 98 (1906)

891 **Racing**

*See also 887, Poolselling*

- a **Ky.** "An act to regulate racing of running horses . . ." 5§  
'06 ch.137, 23 Mr
- b **Md.** Amdg. '98 ch.285 §124E: race track licenses to be paid by applicant before issuance; licenses in Baltimore county. 1§  
'06 ch.127, 22 Mr
- c **N. Y.** Amdg. Pen.C. §3840 rel. to fraudulent entries and practices in contests of speed: registration of name and pedigree for entering races. 1§  
'06 ch.454, 15 My

893 **Shows. Theaters. Exhibitions**

- a **Cal.** Declaring unconst. '05 ch.140 prohibiting sale of ticket to theater or other public place of amusement for price higher than originally charged. Not valid exercise of police power.  
Ex parte Quarg 84 P. 766 (1906)
- b **Ga.** Penalty for operating place of public amusement for profit, outside limits of incorporated town in county having city of 80,000, without written consent of ½ freeholders within radius of 2 miles: not applicable to religious or educational entertainments. 4§  
'06 p.123, 9 J1
- c **Ky.** Prohibiting presentation of plays tending to excite race prejudice. 2§  
'06 ch.59, 21 Mr
- d **Mass.** Amdg. R.L. ch.102 §176: city or town authorities may license outdoor exhibitions and public entertainments subject to law on Sunday observance. 1§  
'06 ch.190, 24 Mr
- e **O.** Permit of mayor required to use building for dance or roller skating or like entertainment; sale of liquor on same premises prohibited. Adds R.S. §6945a-c. 3§  
'06 p.61, 22 Mr

895 **Cruelty to children and animals**

- a **N. Y.** Amdg. membership corp. law '95 ch.559 §7: corp. for prevention of cruelty to children and animals may consolidate with similar corp.; certain counties excepted. 1§  
'06 ch.493, 19 My

896 **Cruelty to animals**

- a **Mass.** Restricting sale and transportation of diseased and disabled horses. 3§  
'06 ch.185, 21 Mr
- b **N. J.** District society for prevention of cruelty to animals may be incorporated; regulations; powers of society. 3§  
'06 ch.109, 12 Ap

## LIQUORS

896

- c O. Amdg. R.S. §3718: agents appointed by humane societies to be residents of county or municipality for which appointed; place of trial of person arrested; approval of appointment; salary of agent. 2§ '06 p.43, 14 Mr
- d Va. Prohibiting use of live birds as targets, or renting of premises therefor. 2§ '06 ch.254, 15 Mr

900

### Intoxicating liquors

902

#### Prohibition

903

#### Dispensaries

- a Ga. Local option elections may be held once in four years to abolish dispensaries, in counties in which sale of liquors is unlawful except through dispensaries: penalty. 9§ '06 p.114, 1 Ag
- b S. C. Supplementing '05 p.1220 rel. to com'n appointed to investigate State Dispensary: power given to compel attendance of witnesses, production of books and to withhold payment of claims. 5§ '06 ch.171, 24 Ja

904

#### Local option

- a Ky. Amdg. S.'03 §2560: elections rel. to liquor selling not to be held in town, district, precinct or certain cities on day of election for entire county, nor election in precinct on same day as in district or city of which precinct is part. 1§ '06 ch.21, 14 Mr
- b Ky. "An act to regulate carrying . . . or distributing of . . . liquors in local option districts"; act not to apply to druggists buying in 5 gallon lots. 5§ '06 ch.63, 21 Mr
- c Ky. Amdg. '04 ch.76 §1 prohibiting sale of liquors by wholesale in local option districts: manufacturers selling their own liquors *at place of manufacture* excepted. 1§ '06 ch.87, 21 Mr
- d O. "An act to provide for enforcement of local option laws prohibiting sale of intoxicating liquors . . ." 21§ '06 p.12, 23 F
- e O. Rev. '04 p.87 rel. to local option in residence districts of municipalities. 13§ '06 p.68, 22 Mr

907

#### Liquor licenses

- a Ia. Amdg. C. §2439: procedure in tax sale for delinquent mulct tax. 1§ '06 ch.99, 5 Ap
- b Ia. Amdg. C. §2450 rel. to sale of liquors under mulct law: petition and statements of gen. consent valid for 5 years only. 1§ '06 ch.101, 5 Ap
- c Mass. Amdg. R.L. ch.100 §15 rel. to granting of retail liquor licenses on objection of adjacent real estate owner: procedure. 2§ '06 ch.287, 14 Ap
- d Mass. Appointment of licensing bd for Boston. 20§ '06 ch.291, 14 Ap
- e Mass. To provide for registration of carriers of intoxicating liquors in cities not granting licenses of 1st 5 classes. 4§ '06 ch.421, 25 My

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907

- f **Minn.** Declaring unconst. '01 ch.101 rel. to number of liquor licenses in places on patrol limits in cities over 50,000. Class legislation. State v. Schrap 106 N. W. 106 (1906)
- g **N. J.** Liquor license to be granted to municipality in 4th class county by Court of Common Pleas and money received to be paid to financial officer of municipality. 2§ '06 ch.51, 28 Mr
- h **N. J.** Amdg. '89 ch.53 §1, 3, 10, 11 rel. to liquor licenses. 5§ '06 ch.114, 13 Ap
- i **N. J.** Supplementing '89 ch.53: court, excise bd or other body having power to grant and revoke liquor licenses may compel attendance of witnesses and production of evidence. 1§ '06 ch.166, 30 Ap
- j **N. J.** Extending time for application to Court of Common Pleas for granting of liquor licenses to municipality bordering on Atlantic ocean. 2§ '06 ch.203, 2 My
- k **N. Y.** Amdg. liquor tax law '96 ch.112 §31b: defining "hotel," with view to abolishing fake hotels established to circumvent prohibition of Sunday sales in saloons. 1§ '06 ch.183, 10 Ap
- n **N. Y.** Amdg. liquor tax law '96 ch.112 §28 subdiv.2: taxpayer bringing action for cancelation of liquor tax certificate to file bond. 1§ '06 ch.272, 19 Ap
- p **O.** Amdg. R.S. §4364 subdiv.9, 11, 13: annual tax on liquor business \$1000 [350]; maximum tax for part of year \$200 [\$25]; refunding; on failure to furnish certain information to assessors assmt. of \$1500 [\$400] to be levied; tax on ry. corporations maintaining buffet cars in which liquor is sold. Adds §4364 subdiv.11a. 5§ '06 p.99, 28 Mr
- q **R. I.** Amdg. G.L. ch.102 §6: malt liquor license for wholesale and retail, not to be drunk on premises, \$200-\$1000. 2§ '06 ch.1332, 18 Ap
- r **R. I.** Amdg. G.L. ch.102 §2: liquor licenses granted by town or city authorities to expire Dec. 1 [May 1]. 2§ '06 ch.1355, 20 Ap

910

## Regulations and restrictions

*See also* 149, Election offenses

- a **Mass.** Amdg. R.L. ch.100 §17: extending hours in which licensed innholders may sell intoxicating liquors. 1§ '06 ch.395, 17 My

911

## Minors. Persons to whom prohibited

- a **La.** Penalty for selling liquor to minor or allowing minor in barroom. 5§ '06 ch.93, 7 Jl
- b **Md.** Msdr. for minor to misrepresent age, or for person to aid minor to obtain liquor. 2§ '06 ch.582, 5 Ap
- c **N. Y.** On prosecution for sale of liquor to child under 16, no defense that child was agent of another. Adds subdiv. 8 to Pen.C. §290. 1§ '06 ch.41, 13 Mr

## LIQUORS

912

### *Restricted localities*

- a **Ia.** Amdg. C. §2448: saloon not to be established within 300 feet of cemetery. 1§ '06 ch.100, 5 Ap
- b **Md.** Prohibiting sale of liquor within certain limits in Baltimore. 2§ '06 ch.780, 5 Ap
- c **Mass.** Amdg. R.L. ch.100 §35: liquor licenses may be granted to certain hotels in vicinity of public schools, *without public bar*. 1§ '06 ch.104, 21 F

913

### *Sale by druggists*

- a **Mass.** Regulating sale of liquors by registered pharmacists in cities and towns where licenses of certain classes are not granted. 4§ '06 ch.281, 14 Ap

914

### *Saloons*

- a **Mass.** Amdg. R.L. ch.100 §34: licensed innholder *holding license of 1st 3 classes* not to obstruct view of bar; exception. 1§ '06 ch.374, 9 My

916

### *Illegal traffic*

- a **Ala.** Declaring unconst. C.'96 §5087 in so far as it prohibits residents of other states soliciting orders for spirituous liquors to be transported into the state. Interferes with interstate commerce.  
Moog v. State 41 S. 166 (1906)
- b **Kan.** Declaring unconst. '01 ch.233 rel. to investigation of violations of prohibitory law. Violates art.2 §15 of state Const.  
State v. Carter 86 P. 138 (1906)
- c **La.** Soliciting orders for liquor in prohibition districts, punishable by fine or imprisonment or both. 2§ '06 ch.46, 29 Je
- d **Miss.** Common carrier delivering liquor shipments in state, to keep daily record of deliveries open to inspection. 1§ '06 ch.115, 18 Ap
- e **Miss.** Regulating disposition of liquors shipped into state C. O. D.; liquors received not to be removed more than 100 feet from place of delivery, or given away. 2§ '06 ch.116, 10 Ap
- f **Miss.** Unlawful to keep liquors to sell or give away in local option counties; possession prima facie evidence of guilt. 2§ '06 ch.117, 6 Ap
- g **Tex.** Declaring unconst. Pen.C.'95 art.402 as amended by '03 ch.40 rel. to prohibited sale of liquor and seizure thereof. Takes property without due process of law.  
Beavers v. Goodwin 90 S. W. 930 (1905)
- h **Va.** Possession of U. S. internal revenue tax receipt for sale of ardent spirits prima facie evidence of sale. 1§ '06 ch.236, 15 Mr

918

### *Wine. Cider*

- a **Vt.** Declaring unconst. '02 ch.90 §21 rel. to sale of intoxicating liquors in so far as it discriminates against products of other states. Denies equal protection of laws. State v. Hazelton 63 A. 305 (1906)

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921

## Intoxication. Inebriates

*See also 446, Guardianship*

922

## Institutions. Treatment

- a **Ia.** Amdg. C. §2292: expense of care of insane *and of inebriates* in *State Hospital* for Insane *and for inebriates*; certification and payment of county charges. 1§ '06 ch.94, 10 Ap
- b **Ia.** Amdg. '04 ch.80 §5 rel. to admission of patients to State Hospital for Inebriates; regulations when number restricted for lack of room. 1§ '06 ch.95, 9 Ap
- c **Ia.** Amdg. '04 ch.80 §15: payment of expenses for prosecuting patient leaving State Hospital for Inebriates without authority. 1§ '06 ch.96, 15 Mr
- d **Ia.** Transportation may be furnished indigent patients paroled or discharged from State Hospital for Inebriates. 1§ '06 ch.97, 9 Ap
- e **Mass.** Dipsomaniacs or inebriates may be received as voluntary patients at Foxborough State Hospital. 1§ '06 ch.316, 25 Ap
- f **Neb.** Declaring unconst. '05 ch.82 §7 in so far as it imposes conditions upon discharge of dipsomaniacs, inebriates and persons addicted to use of narcotic drugs from Hospital for Insane after cure. Violates right of personal liberty.  
Ex parte Schwarting 108 N. W. 125 (1906)
- g **N. Y.** Care and commitment of inebriates to Saint Vincent's Retreat for Insane. Adds '84 ch.431 §2-5. 4§ '06 ch.396, 10 My

924

## Tobacco

- a **N. Y.** On prosecution for sale of tobacco to child under 16, no defense that child was agent of another. Adds subdiv.8 to Pen.C. §290. 1§ '06 ch.41, 13 Mr

926

## Opium, cocaine etc.

- a **Ark.** Amdg. S.'04 §6382: cocaine *or preparation thereof* not to be sold *or given away* except on prescription of physician *or dentist*; prescription to be filled but once. 2§ '05 ch.278, 6 My
- b **Md.** Rev. '04 ch.607 restricting sale and prescription of certain narcotic drugs and proprietary medicines. 6§ '06 ch.523, 5 Ap
- c **R. I.** Restricting sale of cocaine, eucaine, heroin, opium, chloral hydrate or any of their compounds; penalties. 5§ '06 ch. 1365, 20 Ap

928

## Prostitution

- a **Ia.** Penalty for soliciting another to have carnal knowledge with female. 1§ '06 ch.165, 5 Ap
- b **La.** Penalty for forcible detention of woman at house of ill fame. 1§ '06 ch.10, 22 Je
- c **N. Y.** Felony for person to cause wife to become prostitute; wife competent witness against husband. Adds Pen.C. §282b. 1§ '06 ch.138, 3 Ap



## PUBLIC HEALTH

928

- d **N. Y.** To prevent compulsory prostitution and importation of women from foreign countries for immoral purposes; penalties. Adds Pen.C. §282a. 1§ '06 ch.413, 11 My
- e **Wash.** Declaring unconst. '03 ch.123 rel. to connivance at prostitution, soliciting same or accepting earnings of prostitutes. Defective title. State v. Poole 84 P. 727 (1906)

929

### Sunday observance

*See also* 915, Intoxicating liquors; 2092, Sunday labor

- a **La.** Amdg. '00 ch.66: cities [of 50,000] may regulate opening and closing of barber shops on Sunday. 3§ '06 ch.24, 27 Je

930

## Public health and safety

932

### General supervision

*See also* 2160, Sick and disabled

- a **La.** State Bd of Health to revise sanitary code authorized by '98 ch.192 §3 and insert therein rules and regulations for sale and inspection of food and drugs. 6§ '06 ch.98, 7 Jl
- b **Mass.** Amdg. R.L. ch.75 §3: salary of sec. of State Bd of Health \$4000 [\$3000]. 2§ '06 ch.425, 26 My
- c **Miss.** State Bd of Health to regulate disinfection and sanitation of public buildings, railroad depots, coaches and sleeping cars. 4§ '06 ch.112, 18 Ap
- d **N. J.** Bd of Health may hold annual conference with delegates from local bds; appointment of delegates and payment of expenses. 2§ '06 ch.131, 19 Ap
- e **O.** State Bd of Health may provide for annual conferences of health officers; expense of delegate to be paid by local division. 1§ '06 p.205, 2 Ap

934

### Local boards and officers

- a **N. J.** Adjoining township or municipalities may employ licensed health officer or sanitary inspectors and fix salary and duties; local bd of health may appoint temporary sanitary inspectors. 3§ '06 ch.129, 19 Ap
- b **N. Y.** Amdg. public health law '93 ch.661 §20 rel. to number and appointment of members of local bds of health. 1§ '06 ch.253, 19 Ap
- c **N. Y.** Bd of supervisors of Ontario county may appoint bacteriologist at salary of \$1500. 2§ '06 ch.271, 19 Ap
- d **S. C.** Amdg. C.C. §1098: policeman may be appointed health officer in cities and towns of 5000 to 10,000. 1§ '06 ch.63, 23 F
- e **S. C.** "An act to provide for local bds of health in unincorporated towns and villages." 4§ '06 ch.82, 24 F

936

### State laboratories

- a **Ia.** Amdg. '04 ch.101: annual [biennial] appropriation for State Bd of Health Laboratory \$3500 [\$5000]. 1§ '06 ch.113, 9 Ap

938

### Vital statistics

*See also 474, Family*

- a Ia. Rev. '04 ch.100 rel. to registration of vital statistics. Rep. C. §2566-67. 9§ '06 ch.109, 10 Ap
- b Ia. Amdg. C. §2567: clerk of court of county to keep records of marriages *and divorces*; time of submitting annual report to State Bd of Health. 1§ '06 ch.110, 22 F
- c Md. State Bd of Health, if local records of vital statistics appear incomplete, shall operate registration office for 3 months; payment of costs. Adds C.'04 art.43 §18 A. 1§ '06 ch.124, 22 Mr
- d Mass. Amdg. R.L. ch.29 §18 as to monthly returns of deaths by city and town clerks: monthly certificate to be made when no deaths have occurred. 1§ '06 ch.415, 24 My

940

### State control of medicine

943

#### License to practise

- a Cal. Providing for reproduction of registers of state bds of medical, dental or pharmacy examiners when destroyed by public calamity. 2§ '06 ch.60, 16 Je

944

#### Medicine

*See also 1588, Veterinary practice*

- a Ark. Msdr. for practising physician or surgeon to habitually indulge in use of alcohol, opium or cocaine; license to be revoked by State Bd of Medical Examiners. 2§ '05 ch.286, 6 My
- b Cal. Declaring invalid '01 ch.51 rel. to practice of medicine in so far as it authorizes Bd of Medical Examiners to revoke physicians certificate for "grossly improbable statements" in medical advertisement. Too indefinite.

*Hewitt v. Bd of Medical Examiners 84 P.39 (1906)*

- c Ia. Amdg. C. §2576 as to dates of meetings of State Bd of Medical Examiners. 1§ '06 ch.114, 26 F
- d O. Amdg. R.S. §4403c, f: physician of other state desiring to practise in state to pay fee *equal to that required by other state of Ohio physician* [\$50]; physician on border of adjoining state may practise in limits of state if reciprocal provision holds. 3§ '06 p.81, 19 Mr
- e S. C. Amdg. '04 ch.292 §12 as to disposition of license fees collected by State Bd of Medical Examiners. 1§ '06 ch.27, 17 F

948

#### Dentistry

- a Ark. Amdg. S.'04 §5268-69: sec. of Bd of Dental Examiners may issue temporary certificate to practise dentistry till next regular meeting of bd; exam. fee \$15 [\$5]. 3§ '05 ch.307, 6 My
- b Ia. Amdg. C. §2600h-i rel. to practice of dentistry: licensing of practitioners from other states; issue of exchange certificates on removal from state; fees; biennial report of State Bd of Dental Examiners to include list of licensed dentists. 4§ '06 ch.116, 30 Mr

PUBLIC HEALTH FOOD ADULTERATION

948

- c **La.** Amdg. '00 ch.88, §11: enrolled student of dental college [student licensed to study with practitioner] *while practising in clinic or operating room* exempt from '00 ch.88. 1§ '06 ch.57, 2 JI
- d **Va.** Amdg. C. §1767, 1769, 1774-75 regulating practice of dentistry: practice of dental college students; annual renewal fees; disposal of fees; annual report by Bd of Examiners to Gov. 4§ '06 ch. 154, 12 Mr

949

Pharmacy

- a **Ia.** Amdg. and supplementing C. §2589-90 rel. to exam. of pharmacists and assistants: requirements for entrance to exam.; fees. 4§ '06 ch.115, 30 Mr
- b **Ky.** Amdg. S.'03 §2627: registered pharmacist to pay annual renewal fee, \$2 [\$1]. 1§ '06 ch.140, 23 Mr
- c **Md.** Amdg. '02 ch.179 §2, 13, 14A, 15½, 16 regulating business of pharmacy: no assistant pharmacist to be left in charge more than 24 hours; rep. provision which permitted physicians to compound drugs. 5§ '06 ch.585, 5 Ap
- d **Mass.** Amdg. R.L. ch.76 §14: Bd of Registration in Pharmacy may accept exam. certificate of other state with equivalent standard of competency. 1§ '06 ch.120, 1 Mr
- e **O.** Amdg. R.S. §4407-9, 4411 rel. to practice of pharmacy: renewal certificates; qualifications for admission to exam.; registration of pharmacists of other states; fees. 5§ '06 p.207, 2 Ap
- f **Vt.** Declaring unconst. '02 ch.112 and S. §4663 rel. to practice of pharmacy. Class legislation. *State v. Abraham* 61A. 766 (1905)

952

Sale of drugs

*See also 949, Pharmacy*

- a **Ga.** Regulating manufacture or sale of foods, drugs, medicines or liquors; analysis and enforcement of law by Com'r of Agric.; penalty. 25§ '06 p.83, 21 Ag

954

Proprietary medicines

- a **Mass.** Patent or proprietary drugs and foods: labels to show percentage of alcohol, opium, morphine, heroin, chloral hydrate in excess of specified amounts; sale of patent drugs containing cocaine or its salts prohibited; prosecution by State Bd of Health. 6§ '06 ch.386, 11 My

956 Adulteration. Inspection of articles liable to affect public health

*See also 1466, Adulterations and imitations*

- a **Ga.** Regulating manufacture or sale of foods, drugs, medicines or liquors; analysis and enforcement of law by Com'r of Agric.; penalty. 25§ '06 p.83, 21 Ag
- b **Ia.** Rev. pure food law. 17§ '06 ch.166, 26 F

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- c **La.** State Bd of Health to revise sanitary code authorized by '98 ch.192 §3 and insert therein rules and regulations for sale and inspection of foods and drugs. 6§ '06 ch.98, 7 JI
- d **Mass.** Bd of health of Salem may appoint inspector of provisions, milk, butter, cheese and vinegar. 1§ '06 ch.72, 16 F
- e **Mass.** City of Worcester may appoint inspector of milk, butter, cheese, lard and vinegar. 1§ '06 ch.462, 6 Je
- f **N. J.** Amdg. '01 ch. 85 §20 rel. to purity of foods and drugs: annual appropriation to Bd of Health for enforcement \$20,000 [\$15,000]; appropriation to Dairy Com'r not to be placed to account of Bd of Health. 1§ '06 ch.58, 30 Mr
- g **N. J.** Chief inspector of Bd of Health to perform duties of dairy com'r. 1§ '06 ch.140, 20 Ap
- h **N. J.** Amdg. '01 ch.85 §12 rel. to analysis of food and drug products: seizure and sampling of suspected milk *and cream*. 1§ '06 ch.214, 3 My
- i **N. J.** Amdg. '01 ch.85 §13 rel. to adulteration of foods and drugs: prosecution for distributing impure milk; violator of law proving that impure goods were *purchased in sealed cans* guaranteed, may be discharged; conditions; penalties. 1§ '06 ch.313, 13 Je
- j **O.** Amdg. '84 p.67 §2, 3 rel. to adulteration of food and drugs: extending provisions of law to include flavoring extracts and medicines used for inhalation. 3§ '06 p.263, 2 Ap
- k **Pa.** Declaring unconst. '95 ch.233 rel. to adulteration of food. Defective title. Commonwealth v. Kebort 61A. 895 (1905)
- n **S. D.** Declaring unconst. '05 ch.114 §11 rel. to adulteration and branding of foods. Unreasonable interference with interstate and foreign commerce. Jewett v. Smail 105 N. W. 738 (1905)

958

**Labels**

- a **Mass.** Amdg. R.L. ch.75 §24: fine for false labeling of adulterated foods or drugs, \$25 to \$500 [\$100]. 1§ '06 ch.305, 23 Ap

961

**Milk and milk products**

- a **Ia.** Amdg. C. §4989-90 rel. to sale of adulterated milk or cream: penalty for manufacture of same into food. 2§ '06 ch.167, 15 Mr
- b **N. J.** Creamery to be licensed by State Bd of Health; cleanliness of building and utensils. 6§ '06 ch.139, 20 Ap
- c **N. Y.** \$50 penalty for delivery of adulterated milk to butter or cheese factory. Adds §23a to agric. law '93 ch.338. 1§ '06 ch.605, 23 My

964

**Butter and cheese**

- a **Ia.** State Food and Dairy Com'r and deputies shall have access to factories, wagons, cars etc. used in manufacture or sale of dairy products and may open package etc. for sampling. 3§ '06 ch.107, 17 Mr

## PUBLIC HEALTH FOOD ADULTERATION

967

### Milk

- a **Ia.** Operators of creameries to pasteurize skimmed milk before delivery. 2§ '06 ch.168, 5 Ap
- b **R. I.** Amdg. and supplementing G.L. ch.147: licensing of city dealers in milk, cream or skimmed milk; cream and skimmed milk to be sold only by standard wine measure; penalty; acceptance of act by towns. 7§ '06 ch.1342, 19 Ap

968

### Cans

*See also 1447, Weights and measures; 1502, Marks*

- a **Mass.** Prohibiting uncleanly use of receptacles used in sale of milk. 4§ '06 ch.116, 1 Mr
- b **R. I.** To prevent misuse of receptacles used in transportation, handling or sale of milk. 3§ '06 ch.1318, 3 Ap

970

### Test. Standard

- a **Ia.** Penalty for false manipulation of Babcock test for determining quality of milk or cream. 2§ '06 ch.171, 16 Mr

972

### Other articles of food and drink

978

### Cereals. Starches. Bread

- a **Miss.** To regulate sale of mill products made from cereals: weight and contents of package to be marked and adulterated goods so labeled. 3§ '06 ch.140, 22 F

1000

### Meats. Fish (fresh)

1004

### Meats

- a **Mass.** State Bd of Health to make comparative investigation of drawn and undrawn poultry when shipped or stored; report to Leg. of 1907; \$3000. '06 r.59, 28 Ap
- b **N. Y.** Amdg. agric. law '93 ch.338 §70e as to calves under 4 weeks: not to be brought to city for sale; to be shipped in crate unless with dam and slaughtered before shipment if to be used for fertilizer purposes. 1§ '06 ch.372, 10 My
- c **R. I.** Prohibiting shipment, sale or possession of tainted or diseased meat or fish; State Inspector of Beef and Pork and local inspectors to seize and destroy same and report seizure to local police. Adds G.L. ch.131 §25-28. 5§ '06 ch.1357, 20 Ap
- d **Va.** Amdg. C. §3811: prohibiting sale of meat of animal affected with lumpy jaw. 1§ '06 ch.185, 14 Mr

1008

### Sugars. Syrups. Confectionery

*See also 2053, Bakeries and confectioneries (health and safety of employees)*

1012

### Sugar. Syrup

- a **O.** Amdg. '00 p.316 §2 rel. to adulteration of maple sugar and syrup. 2§ '06 p.201, 2 Ap

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1014 **Vinegar. Cider**

- a **Va.** Defining apple cider according to '04 ch.20 §141; penalty.  
2§ '06 ch.181, 14 Mr

1020 **Communicable diseases**

*See also* 1065, Nuisances; 1144, Communicable diseases of animals

- a **Ia.** Amdg. C. §2570a rel. to payment of expenses incurred in erecting detention hospital and maintaining and raising quarantine.  
2§ '06 ch.111, 21 Mr
- b **Mass.** Amdg. R.L. ch.75 §42: city or town to compensate wage-earner held in quarantine by local health bd to  $\frac{3}{4}$  of regular wage, not exceeding \$2 a day. 1§ '06 ch.225, 2 Ap
- c **Mass.** Amdg. R.L. ch.44 §6: child from household in which *any* [certain] contagious disease, may not attend school till notice of removal of quarantine is received by teacher. 1§ '06 ch.371, 8 My

1023 **Hospitals for contagious diseases**

*See also* 1042, Tuberculosis

- a **Mass.** Rev. R.L. ch.75 §35-42, 46, 56 and amdg. '02 ch.206 §1 rel. to establishment and maintenance of pesthouses by cities and towns. 11§ '06 ch.365, 8 My

1024 **Maritime quarantine**

- a **La.** Authorizing Gov. to sell or lease Maritime Quarantine Station to U. S. gov't. 1§ '06 ch.203, 12 J1

1026 **Protective inoculation**

1027 *Vaccination*

- a **N. J.** Amdg. '03 (ex. sess.) ch.1 §121: school teacher or pupil not to attend school unless vaccinated or *revaccinated*; certificate of unfitness; attendance at school from household having contagious disease. 2§ '06 ch.104, 12 Ap

1030 **Special diseases**

1036 *Diphtheria*

- a **R. I.** Appropriating \$1500 to Bd of Health to investigate causes and prevention of diphtheria. '06 r.37, 13 Ap

1040 *Hydrophobia*

*See also* 1163, Rabies

- a **Ga.** Amdg. '03 p.72: State Bd of Health to provide for manufacture and free distribution of material for treatment and prevention of hydrophobia. 2§ '06 p.112, 20 Ag

1042 *Tuberculosis*

- a **Ia.** Establishing State Sanitarium for Treatment of Tuberculosis; Bd of Control of State Inst. to locate site, construct buildings and direct management; \$50,000. 14§ '06 ch.120, 9 Ap

## PUBLIC HEALTH

1042

- b **Ia.** 5000 copies of report by Bd of Control on extent and prevention of tuberculosis in Ia. to be published for distribution. '06 p.218, 5 F
- c **Ky.** Mayor of Louisville to appoint bd to erect and maintain Tuberculosis Hospital; tax levy of  $\frac{1}{16}$  to  $\frac{1}{8}$  mill authorized. 5§ '06 ch.53, 17 Mr
- d **Md.** Establishing Md. Tuberculosis Sanatorium; managing bd to consist of Gov., Treasurer and Compt. and 6 members appointed by Gov. for 6 years; appropriations. 4§ '06 ch.308, 5 Ap
- e **Md.** Name of private corp., Hospital for Consumptives of Md., of Baltimore city, changed to Hospital for Consumptives of Md.; subsidy. 4§ '06 ch.429, 9 Ap
- f **Mass.** Com'n to be appointed to consider measures for relief of consumptives in advanced stage of disease and advisability of establishing state hospitals for same; \$5000. '06 r.102, 20 Je
- g **N. Y.** Amdg. '00 ch.416 §13, 15 rel. to State Hospital for Tuberculosis in Adirondacks: list of patients to be furnished locality with bill of charges not exceeding \$5 a week for each patient. 2§ '06 ch.376, 10 My
- h **R. I.** Bd of trustees for State Sanatorium for Consumptives to have office in State House. Supplements '05 ch.1247. 1§ '06 ch.1362, 20 Ap
- i **R. I.** Appropriating \$1500 to Bd of Health for study of the control and prevention of tuberculosis in man. '06 r.36, 13 Ap

1046

### *Yellow fever*

- a **Miss.** Gov. may borrow \$75,000 as contingency fund in case of yellow fever epidemic. 1§ '06 ch.99, 14 Ap
- b **Miss.** Bds of county supervisors may provide for screening cisterns and fumigating houses in case of yellow fever, on order of county health officer. 2§ '06 ch.113, 28 Mr
- c **Miss.** Field officer of State Bd of Health to be appointed by Gov. at \$2500 salary to guard against entrance of yellow fever at gulf ports. 2§ '06 ch.130, 28 Mr

1048

## Disposition of the dead

1051

### Practice of embalming and undertaking

- a **N. J.** Regulating practice of embalming. 11§ '06 ch.219, 12 My

1054

### Cemeteries

1055

#### *Public cemeteries*

- a **O.** Amdg. R.S. §1465 rel. to purchase of township cemeteries; submission and vote on question. 2§ '06 p.251, 2 Ap

1056

#### *Cemetery associations*

- a **O.** Regulating transfer of cemetery lands by religious or benevolent society to cemetery corp. Adds R.S. §3773a. 1§ '06 p.10, 22 F

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1057

*Location. Vacation*

- a N. J. Mun. consent required to locate or enlarge cemetery; appeal to State Bd of Health. 2§ '06 ch.152, 24 Ap
- b Va. Amdg. C. §1414: cemetery not to be located within 100 [400] feet of residence without owner's consent; area may be extended to 300 [75] acres; action for damages to be brought within year from establishment of cemetery. 1§ '06 ch.12, 9 F

1059

*Cemetery trust funds*

- a Md. Devises or bequests, or trust funds under \$5000 valuation, for care of burial lot not held to be void as offending rule against perpetuities. Adds C.'04 art.93 §313A, 322A. 2§ '06 ch.59, 8 Mr
- b N. Y. Person may create trust in perpetuity for care and maintenance of cemetery lot; city chamberlain or county treasurer may be made trustee of fund; duty of officer; administration of fund. Adds §150 to county law '92 ch.686. 1§ '06 ch.362, 10 My
- c Va. Amdg. '04 ch.15 §2: cemetery ass'n may not receive gift, devise etc. *from any one person* exceeding \$1000; aggregate amount of property held in trust for single lot not to exceed \$1000. 1§ '06 ch.47, 20 F

1063

**Morgue**

- a N. J. Amdg. '80 ch.59 §1, 7, 8 rel. to delivery of unclaimed dead body to morgue. 3§ '06 ch.275, 18 My

1065 **Nuisances (general). Miscellaneous health regulations**

- a Ark. In city of 2d class common council, on petition of majority of property owners of district, may prohibit use of lots facing residence street, to  $\frac{2}{3}$  of depth, for stables, barns, outhouses or stock lots. 4§ '05 ch.222, 2 My
- b R. I. Amdg. '05 ch.1240 §1: rep. provision which declared stone quarry or place for blasting or crushing stone within 300 feet of public park or hospital to be common nuisance. 2§ '06 ch.1345, 19 Ap

1073

**Expectoration**

- a Mass. Prohibiting expectoration in certain public places and conveyances. 2§ '06 ch.165, 16 Mr
- b Va. Prohibiting expectoration in public places and conveyances. 4§ '06 ch.302, 17 Mr

**Garbage**

*See 2663(5)*

1076

**Mosquitos**

- a N. J. "An act to provide for locating and abolishing mosquito-breeding areas within state . . ."; \$350,000. 10§ '06 ch.134, 20 Ap
- b N. Y. Local bd of health of municipality may order removal of mosquito-breeding areas; assmt. of cost on property benefited. Adds §25a-d to public health law '93 ch.661. 4§ '06 ch.583, 23 My



## PUBLIC SAFETY

1079

### Pollution of water

*See also* 932, Public health; 2661, Sewerage

- a **La.** Msdr. to contaminate water supply of cities. 2§  
'06 ch.213, 12 J1
- b **Mass.** Amdg. R.L. ch.91 §8 regulating discharge of sawdust into fish-stocked streams: hearing and appeal to Superior Court. 2§  
'06 ch.356, 4 My
- c **Mass.** "An act rel. to purification of Mystic river, Alewife brook and . . . adjacent . . . drainage areas"; enforcement by Metropolitan Park Com'n; state aid; apportionment of costs among cities within benefited area; adoption of act. 7§  
'06 ch.529, 27 Je
- d **N. J.** State Sewerage Com'n to confer with proper authorities of states of N. Y. and Pa. rel. to purification of Delaware river, and report to Leg. 1907. 1§  
'06 p.740, 30 Ap
- e **N. Y.** Amdg. public health law '93 ch.661 §71, 72 rel. to public water supplies: municipality or corp. furnishing same to make inspection of sources as State Com'r of Health may prescribe; maintenance of sewerage system to protect sources; compensation for property taken; enforcement. 2§  
'06 ch.582, 23 My
- f **N. Y.** Com'n of 5 to be appointed by mayor of N. Y. city to continue work of N. Y. Bay Pollution Com'n appointed by '03 ch.539; to consider feasibility of establishing metropolitan sewerage district and best method of administration; report to mayor Feb. 1, 1909; \$15,000. 8§  
'06 ch.639, 25 My
- g **N. Y.** Com'n of 3 to be appointed by Gov. and Senate to consider feasibility of preserving Bronx river from pollution and extending Bronx park reservation within certain limits; report to Leg. by Jan. 1, 1907; \$3000. 6§  
'06 ch.669, 31 My

1090

### Public safety

Protection of human life from accidents, casualties etc. *See also* 1313, Railroads; 1368, Street railways

1092

### Fires

*See also* 1322, Railroads; 1891, Forest fires; 2603, Fire departments

1093

### Fire marshals. Inspection

- a **Ky.** Provision for investigation of fires and for appointment of deputy insurance com'r as State Fire Marshal; report to be included in annual report of com'r. 7§  
'06 ch.95, 21 Mr
- b **La.** Amdg. '04 ch.122 §2, 4-7 rel. to powers and duties of Fire Marshal: chief of fire dep't of cities, towns and villages to assist in investigation of fires; false swearing in investigation perjury; penalty for refusal to testify; Fire Marshal or representatives may enter and examine buildings; penalty for refusal to comply with orders of Fire Marshal; chiefs of fire dep'ts and marshals in towns to receive fee; tax on insurance co. 2/5 [ $\frac{1}{4}$ ] of 1%. 5§  
'06 ch.152, 10 J1

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1093

- c **Md.** Amdg. '94 ch.248 §2-6: State Fire Marshal to appoint deputy fire marshal at \$1200; powers and duties. 5§ '06 ch.709, 3 Ap
- d **N. J.** Governing body of fire dep't in city of 1st class may appoint inspector of combustibles and fire risks; powers and duties. 6§ '06 ch.249, 17 My

1095

## Extinguishers

- a **Ky.** Automatic sprinklers to be provided for fire protection in the several state asylums for insane. 2§ '06 ch.34, 16 Mr

1096

## Fire alarms

- a **Md.** Msdr. to fail to provide fire gongs for hotels and apartment houses in Baltimore. 4§ '06 ch.180, 27 Mr

1099

## Buildings: sanitation and safety

*See also 1534, Architects*

- a **La.** State insts. in which inmates lodge, hereafter constructed, to be as near fireproof as possible: if more than 1 story to have fire escapes; fire drills required. 4§ '06 ch.136, 10 Jl
- b **Mass.** Amdg. '92 ch.419 §19 rel. to strength and quality of materials used in constructing buildings in Boston. 5§ '06 ch.340, 30 Ap
- c **N. Y.** Provision for appointment of building com'r for village of Peekskill. 7§ '06 ch.479, 17 My

1104

## Fire limits

- a **La.** Municipalities of 1000 may fix fire limits and regulate the construction of buildings within such limits. 6§ '06 ch.91, 7 Jl

1106(5)

## Plumbing

- a **O.** Amdg. R.S. §2122: Bd of Health may regulate buildings, plumbing etc. except in cities having building dep't. 2§ '06 p.188, 2 Ap
- b **Wash.** Declaring unconst. '05 ch.66 rel. to licensing of plumbers, creating bd of plumbing examiners and making it a crime to engage in business without license. Not within police power. State v. Smith 84 P. 851 (1906)

1109

## Public halls

- a **Mass.** Regulating inspection of halls, buildings and parts of buildings outside of Boston, used occasionally for dramatic performances: provisions of R.L. ch.104 §36-37, '04 ch.450, '05 ch. 342 not to apply. 6§ '06 ch.105, 21 F

1110

## Tenement houses

- a **N. J.** Form of conviction to recover penalties under '04 ch.61 rel. to tenement houses. 1§ '06 ch.132, 19 Ap

PUBLIC SAFETY

1112

**Floods. Life saving**

*See also* 1180, Water storage; 1197, Levees and dikes

1113

**Floods**

- a N. J. Passaic River Flood District Com'rs to investigate and report plan for controlling flood waters in district; \$20,000. 4§  
'06 ch.154, 25 Ap

1117

**Explosives**

*See also* 1493, Petroleum products

- a Ia. Retail dealer to deliver gasoline in quantities of 1 quart to 6 gallons only in barrels, cans etc. painted red and marked "gasoline"; penalty. 3§  
'06 ch.106, 30 Mr

1124

**Miscellaneous**

1128

**Boilers and engineers**

- a Mass. Chief inspector to be appointed from members of Boiler Inspection Dep't of District Police by Gov. on certification of Civil Service Com'n at \$2000 salary: to unify enforcement of boiler inspection and exam. of engineers and firemen. 2§ '06 ch.521, 26 Je

1129

**INSPECTION**

- a Mass. Boilers, other than those under inspection of state or of insurance companies, to be inspected annually by person in charge; report to chief of District Police. 6§ '06 ch.387, 11 My  
b Mass. Provision for appointment by Gov. of 5 additional boiler inspectors of inspection dep't of District Police, also 5 additional clerks. 3§ '06 ch.522, 26 Je

1130

**LICENSES**

- a Mass. Amdg. R.L. ch.102 §82: person holding engineer's or fireman's license may on exam. obtain special license to have charge of particular steam plant under 150 horse power. 1§  
'06 ch.414, 24 My

1133

**Electric wiring. Electricians**

*See also* 1418, 2645, Placing of wires

- a Md. Bd of electrical examiners for Baltimore to be appointed by Gov.; bd to license on exam. master electricians engaged in installing electric apparatus; annual report to Gov. 18§  
'06 ch.244, 2 Ap

1139

**Steamboats. Vessels**

*See also* 1128, Boilers; 1800, Navigation

- a N. J. Regulating use of power vessels, above tide water; inspection and licensing of vessels; exam. and licensing of officers. 20§  
'06 ch.91, 9 Ap  
§3 amended. '06 ch.174, 30 Ap

1141

**Uncovered openings**

- a Ark. Amdg. S.'04 §7905: shaft, well or other opening on unclosed land to be covered. 2§  
'05 ch.119, 29 Mr

**1144 Communicable diseases of animals**

- a **R. I.** Amdg. G.L. ch.99 §10: animal suspected of having communicable disease to be reported to State Bd of Agric. or *R. I. Society for Prevention of Cruelty to Animals*. 1§ '06 ch.1354, 20 Ap

**1147 Indemnity**

- a **Md.** Amdg. C.'04 art.58 §15: infected live stock may be appraised after slaughter; indemnity only allowed if appraisement taken in 6 months after slaughter. 1§ '06 ch.431, 9 Ap
- b **Miss.** Bd of county supervisors may compensate owner for slaughter of glandered stock. 1§ '06 ch.122, 23 Mr

**1148 Importation**

- a **Ia.** Quarantine and inspection of cattle imported for breeding or dairy purposes; exam. for tuberculosis; State Veterinary Surgeon to enforce act. 4§ '06 ch.170, 9 Ap

**1169 Special animals**

**1171 Bees**

- a **O.** Amdg. '04 p.127 §1: on petition to county com'rs that apiaries are infected with disease, com'rs *shall* [may] appoint inspector; taxation of bee owners. Adds §129. 3§ '06 p.55, 17 Mr

**1175 Horses**

- a **Md.** Term of com'n appointed by '02 ch.181 to investigate cerebro-spinal meningitis in horses extended to 1908 [1906]; investigations to include other infectious diseases of horses *and cattle*. 3§ '06 ch.482, 9 Ap

**1180 Control of waters**

*See also* 1113, Floods; 1384, Canals; 1388, Ferries and fords; 1393, Bridges; 1457, Weights and measures; 1800, Navigation

- a **Ark.** Person or corp. may dam nonnavigable stream for water power purposes; corp. owning principal power dam site may secure franchise to erect auxiliary dams; corp. to have right of eminent domain. 10§ '05 ch.323, 13 My
- b **Ia.** Amdg. C. §722: cities and towns may condemn property for constructing storage dams across nonnavigable waters to supply water works, gas or electric plant. 1§ '06 ch.20, 30 Mr
- c **N. J.** Passaic River Flood District Com'rs to investigate and report plan for controlling flood waters in district; \$20,000. 4§ '06 ch.154, 25 Ap
- d **N. J.** Com'n consisting of Bd of Riparian Com'rs and State Geologist to investigate potable water supply in state and cost of its acquisition and report to Leg. as soon as practicable. 3§ '06 p.736, 7 Mr

## CONTROL OF WATERS

1180

- e **N. Y.** Rep. charters of following Niagara power companies:  
 Lewiston Water Works Co. '06 ch.266, 19 Ap  
 Lewiston Water Supply Co. '06 ch.267, 19 Ap  
 Buffalo and Niagara Power and Drainage Co. '06 ch.268, 19 Ap  
 Lockport Water Supply Co. '06 ch.269, 19 Ap
- f **N. Y.** Abolishing River Improvement Com'n created by '04  
 ch.734 and transferring powers and duties to State Water Supply  
 Com'n. 4§ '06 ch.418, 11 My
- g **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.7 §7: Leg.  
 may authorize construction of water storage dams in forest pre-  
 serve for public purposes. '06 p.1895, 3 My
- h **R. I.** Amdg. G.L. ch.124 §8: expense allowance of Com'r of  
 Dams and Reservoirs \$350 [\$160] a year; \$350 [\$150] a year to  
 enforce act. 2§ '06 ch.1329, 13 Ap

1183

### Irrigation. Water rights in arid states

- a **Wy.** Declaring unconst. R.S. '99 §897-900 rel. to condemnation  
 of land for irrigation ditches. Takes property without due pro-  
 cess of law and takes private property for a private purpose.  
 Sterritt v. Young 82 P. 946 (1905)

1189

### Artesian wells

- a **Miss.** Bds of county supervisors may provide for artesian wells  
 on courthouse lots. 1§ '06 ch.108, 10 Ap

1192

### Drains. Dikes. Levees

*See also* 1183, Irrigation; 2661, Sewerage; 2730, Roads

- a **Ark.** Prescribing method of exercising right of eminent domain  
 by levee, drainage and ditching districts. 11§ '05 ch.53, 24 F
- b **Fla.** Amdg. Const. 1885 art.16 by adding §32-35: creating Bd of  
 Drainage Com'rs and drainage districts; lien for taxes; assmt. of  
 benefits. 4§. Rejected Nov. 1906. '05 p.435, 27 My
- c **Ia.** Referring to Leg. of 1906 amdt. to Const. 1857 art.1 by  
 adding §18: Leg. may regulate construction of drains etc. across  
 private lands, provide for organization of drainage districts and  
 maintenance of drains, and define procedure. Not repassed by  
 Leg. of 1906. '04 p.210, 9 Ap
- d **Ia.** Referring to Leg. of 1907 amdt. to Const. 1857 art.1 §18:  
 Leg. may regulate construction of drains etc. across private lands,  
 provide for organization of drainage districts and maintenance of  
 drains and define procedure. 1§ '06 p.210, 10 Ap
- e **Ia.** Amdg. C. §1968-69, 1971-72: drainage of lead *and zinc* mines.  
 '06 ch.82, 15 Mr
- f **Ia.** Generally amdg. '04 ch.68 rel. to drainage. 6§  
 '06 ch.84, 9 Ap; '06 ch.85, 10 Mr
- g **Ia.** Payment of preliminary expenses connected with estab-  
 lishment of drainage districts. 1§ '06 ch.86, 22 F

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1192

- h** **La.** State Bd of Engineers to make surveys for drainage districts: expense to be paid by drainage districts. 4§ '06 ch.103, 7 Jl
- i** **La.** Amdg. '02 ch.159 §2: in certain drainage districts 3 instead of 5 com'rs to be appointed. 1§ '06 ch.135, 10 Jl
- j** **Md.** Amdg. C.'04 art.25 §72, 74, 75 rel. to drainage of lands: appeal from county com'rs to be taken within 30 days; notice of alteration of ditch or of assmt.; time and place of hearing. 3§ '06 ch.137, 22 Mr
- k** **Miss.** "An act to provide for organization of drainage districts . . . for agric. and sanitary purposes"; 10 counties excepted. 46§ '06 ch.132, 12 Ap
- n** **N. Y.** Amdg. R.S. pt3 ch.8 t.16 §1 as to deepening or clearing of outlets of ponds to drain lands. 1§ '06 ch.115, 28 Mr
- p** **S. D.** Amdg. Const. 1889 art.21 by adding §6: Leg. may provide for drainage of agric. lands, organize drainage districts and authorize special assmts. to maintain. 1§. Adopted Nov. 1906. '05 ch.70
- q** **Va.** Adjoining owners of lowlands may form common district; jurisdiction by Circuit Court in which land lies. 7§ '06 ch.188, 14 Mr
- r** **Wash.** Declaring unconst. '05 ch.175 §5 rel. to Com'r of Drainage Districts. Subject not expressed in title.  
State v. Superior Court 85 P. 264 (1906)

1194

*Assessment*

- a** **Ky.** Assmts. in certain drainage corporations. Adds S.'03 §2417a. 15§ '06 ch.151, 24 Mr
- b** **Ky.** Amdg. '00 ch.30 § 2: rel. to drainage assmts. against lands held by life tenant and remainder-man. 1§ '06 ch.152, 24 Mr
- c** **La.** Drainage districts on vote of electors may levy acreage tax. 3§ '06 ch.29, 28 Je

1196

*Cleaning. Repair. Obstruction*

- a** **Ark.** Msdr. to obstruct free flow of water in ditch, drain, stream or canal. 3§ '05 ch.320, 6 My
- b** **Ky.** Amdg. S.'03 §2412a subdiv.5 rel. to removal of obstructions in public ditches; powers of inspector. 2§ '06 ch.76, 21 Mr
- c** **Ky.** Amdg. '00 ch.30 §1: rep. provision which allowed County Court to order cleaning out of water courses within county for public purposes. 1§ '06 ch.150, 24 Mr
- d** **La.** Penalty for diverting or unduly retarding the natural course of drainage. 2§ '06 ch.108, 7 Jl
- e** **N. J.** Supplementing '03 ch.931: on failure of municipality to remove obstructions to flow of water over drained land, court on petition of 10 citizens may appoint com'r to remove same; payment of expenses. 3§ '06 ch.161, 30 Ap
- f** **O.** Rep. '02 p.154 §1-13 and amdg. '00 p.142: provision for cleaning and repairing county and township ditches, drains and water courses. Rep. R.S. §4496-98, 4553-56. 13§ '06 p.280, 2 Ap

## TRANSPORTATION

1197

### *Levees. Dikes*

*See also* 1113, Floods

- a **Ia.** Generally amdg. C. §1976, 1977, 1979, 1982, 1984, 1986 rel. to levees built by U. S.: proceedings; assmt. of costs; annual instalments; cost of maintenance. 6§ '06 ch.83, 19 F

### **Pollution of water**

*See* 1079

1200

## Transportation and communication

*See also* 1800, Navigation

- a **Neb.** Amdg. Const. 1875 by adding art.: providing for State Ry. Com'n to consist of 3 members elected in Nov. 1906 for 6 year term; to regulate rates, service and control of common carriers; provision in case no specific law passed by Leg. 3§. Adopted Nov. 1906. '05 ch.233, 4 Ap
- b **O.** "To regulate railroads and other common carriers . . ." Rep. R.S. §245-46, 249. 38§ '06 p.342, 2 Ap

1204

### **Rates. Discrimination**

- a **Or.** Prohibiting free passes and discrimination by public service corporations; annual statement of passes and reduced rates granted by corp. to be filed with Sec. of State. 5§. Adopted on initiative petition June 4, 1906, but enacting clause being omitted, law considered of no effect.

1205

### **Discriminations**

1210

#### *Milk*

- a **Md.** Prescribing rate of charges by common carriers for carrying milk, cream etc.; unlawful to refuse to carry same. 3§ '06 ch.472½, 9 Ap

1212

### **Rates (general)**

- a **Wis.** Amdg. '05 ch.362 §14: Railroad Com'n may apportion joint rate determined by com'n after investigation, on neglect or refusal of railroads to establish same. 1§ '05 (ex. sess.) ch.17, 19 D

1227

### **Passenger rates**

*See also* 1365, Street railways

- a **O.** Amdg. R.S. §3374: maximum passenger rate by railroad 2c [3c] a mile for distance over 5 [8] miles. 2§ '06 p.4, 8 F
- b **S.C.** Railroads not to make extra charge for crossing bridge wholly or partly within state. 2§ '06 ch.34, 21 F
- c **Va.** State Corp. Com'n to fix passenger rates charged by transportation companies. 6§ '06 ch.256, 15 Mr

1232

#### *Mileage books*

- a **Md.** 2c mileage books to be issued by corp. operating railroad in state; act to apply to corp. with gross annual receipts exceeding \$5000. 5§ '06 ch.174, 30 Mr

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1237

**Passes. Franks**

*See also* 1365, Street railways

- a **Ia.** Prohibiting use of free pass over steam or suburban railway by public officer; juror, political delegate or candidate; exceptions; witness not liable to prosecution. 7§ '06 ch.90, 5 Ap
- b **Or.** Prohibiting free passes and discrimination by public service corporations; annual statement of passes and reduced rates granted by corp. to be filed with Sec. of State. 5§. Adopted on initiative petition June 4, 1906, but enacting clause being omitted, law considered of no effect.
- c **Tex.** Amdg. Const. 1876 art.3 §24: prohibiting acceptance of privileges from telegraph or telephone co. or common carrier. 1§. Rejected Nov. 1906. '05 p.412, 15 Ap

1238

**Race distinction**

- a **Fla.** Declaring unconst. '05 ch.49 rel. to separate accommodations by street car companies for white and colored passengers. Class legislation. State v. Patterson 39 S.398 (1905)
- b **S. C.** Msdr. to furnish meals to white and colored passengers in same room at station eating houses. 2§ '06 ch.52, 23 F
- c **Va.** Amdg. '04 (ex. sess.) ch.609 pt4 §41-47 as to separate race accommodations in electric cars: conductors and motormen to have powers of special policemen. 7§ '06 ch.91, 7 Mr

1240

**Miscellaneous. Common carriers**

- a **S. C.** Common carriers not to interfere with contracts between freight shippers and consignee. 2§ '06 ch.65, 23 F
- b **S. C.** Common carriers, on demand of consignees, to reweigh freight and on request to establish scales under certain conditions. 4§ '06 ch.75, 24 F

1242

**Appropriation by common carrier**

- a **S. C.** Amdg. '02 ch.568 rel. to damages for conversion of property by common carrier: liable to consignee for 5 times value of property appropriated, also for punitive damages [not exceeding treble value of property]. 1§ '06 ch.66, 23 F

1246

**Bills of lading**

- a **Va.** Common carriers doing business in state to receipt for all freights delivered to them; exceptions. 2§ '06 ch.301, 17 Mr

1247

**Loss or damage**

- a **Ark.** Common carriers liable to consignee for damages to shipment; collection of damages under \$10. 5§ '05 ch.144, 5 Ap
- b **Ark.** Express co. to settle claims for damages within 20 days after notice; liability for refusal to pay. 2§ '05 ch.250, 6 My



## RAILWAYS

1247

- c **Ga.** Common carriers receiving property for transportation wholly within state liable as insurer against loss on own or connecting lines: can not contract to escape liability; claims for damages to be adjusted within 60 days; penalty. 3§ '06 p.102, 18 Ag
- d **Ia.** Amdg. '04 ch.74 rel. to liability of joint carriers: action may be brought in county through which shipment is made if owner resides therein; service of notice. 2§ '06 ch.89, 30 Mr
- e **Va.** Amdg. C. §1295 rel. to liability of common carrier for loss or injury to goods transported beyond its own lines; exceptions. 1§ '06 ch.62, 28 F

1253

### Special commodities

1260

#### *Live stock*

*See also* 896, Cruelty to animals

- a **S. C.** Railroad companies to furnish information of live stock shipments while in transit as to arrival and delivery of same. 1§ '06 ch.73, 24 F

1264

#### *Wood. Lumber*

- a **Wash.** Declaring unconst. '05 ch.124 §2 fixing weight of standards etc. used in cars for shipment of lumber at 1000 lbs and requiring such weight to be deducted from net weight of lumber shipped. Takes property without due process of law.  
State v. Great Northern Ry. Co. 86 P. 1056 (1906)

## Roads. Streets

*See* 2700

1267

## Railways. Car companies. Express

Chiefly steam but many of the general laws and special provisions include all kinds of railways. *See also* 500, Corporations; 841, 845, Taxation; 2040, Labor

- a **Ark.** Owners of coal and other mineral lands may own and operate short lines of ry. necessary for mining and marketing products. 6§ '05 ch.163, 13 Ap; '05 ch.268, 6 My
- b **Ga.** Railroad Com'rs to be elected [appointed by Gov. and Senate]: vacancy to be filled by appointment by Gov. 5§ '06 p.100, 21 Ag
- c **Ia.** Amdg. C. §1068 rel. to election and renewal of Railroad Com'rs; renewal; term 4 [3] years. 1§ '06 ch.38, 10 Ap
- d **Ky.** Amdg. S.'03 §822: provision for stenographer at \$1200 salary and rate clerk at \$1800, to Bd of Railroad Com'rs; *chairman of bd to receive \$3600, and others \$3000 [\$2000]*; corp. may furnish transportation in lieu of traveling expenses. 1§ '06 ch.85, 21 Mr
- e **La.** Railroad Com'n may appear before Interstate Commerce Com'n. 2§ '06 ch.195, 11 Jl
- f **Mass.** Salary of chairman of Bd of Railroad Com'rs \$6000, and of other members \$5000 each, of clerk \$3000 and assistant clerk \$1800. 2§ '06 ch.417, 24 My
- g **Mass.** Rev. law rel. to railroad corporations and street ry. companies. 487§ '06 ch.463, 7 Je

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- h Va. Amdg. '03 ch.270 pt2 §2: railroad corporation may consolidate, purchase or lease property and franchises of foreign, domestic corp. or *corp. organised under laws of U. S.*; electric ry. may do business of power and heating co. 1§ '06 ch.296, 17 Mr
- i Wis. Amdg. '05 ch.362 §8, 11, 12, 18 rel. to railroads: reduced rates and free transportation; interchange of traffic; investigation of rates and service; grade crossings; Railroad Com'n may prescribe system of uniform accounts for railroads. 4§  
'05 (ex. sess.) ch.13, 19 D

1268

**Corporate organization and power**

*See 1267*

1272

**Consolidation, sale, lease**

- a N. J. Amdg. '03 ch.257 §64 as to leasing of railroads. 1§  
'06 ch.141, 20 Ap

1280

**Public ownership and aid**

1281

**State railways and ownership of stock**

- a Md. Appointment of special committee to protect state's interest in Washington Branch of the Baltimore and Ohio Railroad Co. '06 p.1423, 21 F

1282

**Public aid. Exemptions. Subscription to stock**

- a Id. Amdg. Const. 1889 art.8 §4: local divisions may vote donations to railroads on submission to voters at special election; provisos. 4§. Rejected Nov. 1906. '05 p.435, 10 Mr
- b La. Parochial and mun. authorities (Orleans parish excepted) may issue bonds in aid of ry. enterprises to be met by special taxes approved by vote of people. 4§ '06 ch.186, 11 JI

1283

*Exemption from taxation*

- a Id. Amdg. Const. 1889 art.7 §8: railroads hereafter constructed may be exempt from taxation for 10 years from beginning of construction. 3§. Rejected Nov. 1906. '05 p.440, 3 Mr

1286

**Supervision and regulation**

*See 1267*

1288

**Construction**

1292

*Limit of time of completion*

- a N. Y. Declaring unconst. '01 ch.494 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const. In re Brooklyn, Q. C. & S. R. Co. 77 N. E. 994 (1906)
- b N. Y. Declaring unconst. '01 ch.508 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const. In re Brooklyn, Q. C. & S. R. Co. 77 N. E. 994 (1906)

## RAILWAYS

### 1293 *Motive power*

- a **Md.** Railroad co. may use electricity as motive power. Adds C.'04 art.23 §300A. 1§ '06 ch.717, 5 Ap

### 1295 **Location. Right of way**

#### 1297 *Eminent domain. Damages*

- a **N. C.** Declaring unconst. '87 ch.46 rel. to construction of railroad over private land for removal of timber, so far as it authorizes construction for exclusive use of owner of timber. Takes private property for private use.

Cozad v. Kanawha Hardwood Co. 51 S. E. 932 (1905)

### 1298 *Franchise*

- a **N. J.** Supplementing '06 ch.36 rel. to granting of franchises for use of streets: act does not apply to railroads except railroads at grade across street. 1§ '06 ch.167, 30 Ap

### 1301 **Traffic regulations**

#### 1303 *Railroad stations*

- a **Va.** Railroad companies under certain conditions to maintain telephones in their public offices or depots; State Corp. Com'n to enforce law. 3§ '06 ch.298, 17 Mr

#### 1305 REQUIRED STATIONS. AGENTS

- a **Ark.** Amdg. S.'04 §6714-15: ry. passing through city within 1/2 mile of [at or near] state boundary line to maintain depot and stop trains; proviso; penalty. 3§ '05 ch.194, 25 Ap

- b **S. C.** Amdg. C.C. §2169: Railroad Com'rs may require depots at other than junctional points. 1§ '06 ch.8, 2 F

#### 1306 UNION STATIONS

- a **Ky.** Corporations organized for constructing or operating union ry. stations may condemn land and material. 1§

'06 ch.9r, 21 Mr

### 1307 *Supply of cars. Loading*

See also 1253, Special commodities

- a **Tex.** Declaring unconst. R.S. art.4497-5000 requiring railroad to furnish cars within 6 days. Not within police power and interferes with interstate commerce.

Houston & Texas C. R. Co. v. Mayes 201 U. S. 321 (1906)

### 1313 **Public safety, comfort and order**

#### 1314 **Safety regulations**

See also 1128, Boilers and engineers

- a **Mass.** Bd of Railroad Com'rs may require railroads to use block or other signals for safeguarding public travel; jurisdiction. 2§ '06 ch.267, 10 Ap

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- b **Mass.** Bd of Railroad Com'rs to investigate block and other signals, fire extinguishing apparatus and other safeguards for use on steam railroads; \$2500. '06 r.54, 28 Ap
- c **N. Y.** Bd of Rapid Transit Com'rs of N. Y. city to prepare and carry out plan for termination of use of streets in borough of Manhattan by steam railroads at grade. 8§ '06 ch.109, 26 Mr

1316

*Brakes. Couplers*

- a **O.** Rev. '93 p.184: railroads to equip locomotives and 75% of cars with power brakes, also to provide automatic couplers, grab irons, drawbars and sill steps; rep. '04 p.615 which extended time for standard gage cars to supply safety devices till 1910. 9§  
'06 p.75, 19 Mr

1317

*Crossings*

- a **Ct.** Declaring unconst. G.S.'02 §3718, 3747 rel. to abolition of grade crossings. Usurps administrative powers of railroad com'rs.  
Appeal of Spencer 61 A. 1010 (1905)

1318

STREET RAILWAYS

- a **Ark.** Regulating building of electric street rys. over railroad crossings; street cars to be stopped at crossings. '05 ch.179, 13 Ap

1319

HIGHWAY CROSSING

- a **Ark.** Amdg. S.'04 §6681 rel. to grade crossings: street crossings; grade. 2§ '05 ch.36, 14 F
- b **N. J.** Amdg. '03 ch.257 §27: railroads not to cross highways of cities and towns at grade without consent of governing body. 1§  
'06 ch.301, 5 Je
- c **O.** Amdg. '02 p.356 §3, 8 rel. to abolition of grade crossings by municipalities: notice of intended improvement; claims for damages; mode and time of payment by railroads of proportionate cost; municipality to have lien on property in county. 3§  
'06 p.191, 2 Ap

1322

*Fire guards. Injury by fire*

- a **Mass.** Amdg. R.L.ch.III §211: passenger, baggage, mail and express cars [containing heating apparatus] to be provided with safeguards against fire on order [approval] of Bd of Railroad Com'rs. 1§ '06 ch.283, 14 Ap

1328

**Public comfort regulations**

For labor on railways see 2040, Labor

1331

*Waiting room*

- a **Ga.** Railroads operating passenger trains at night through towns and cities of 1000 required to keep open a lighted and comfortable room, for 1 hour before arrival and ½ hour after departure of trains which stop at such stations. 3§ '06 p.101, 18 Ag
- b **S. C.** Railroad to provide suitable toilet rooms at stations on order from Railroad Com'rs. 2§ '06 ch.2, 5 F

## STREET RAILWAYS

- 1332 **Public order. Railway police**
- 1333 *Injury. Robbery. Stealing*
- a S. C. Msdr. to remove brasses, bearings or packing from journal box. 1§ '06 ch.4, 5 F
- 1334 *Railway police*
- a Ky. Railroad companies may designate persons for appointment by Gov. as railroad police; compensation to be paid by corp. 8§ '06 ch.62, 21 Mr
- b N. Y. Amdg. railroad law '90 ch.565 §58 rel. to railroad police: rep. provision which limited appointment to 1 at each station; abolishes requirement that certificates of appointment be filed with clerk of county. 1§ '06 ch.380, 10 My
- 1335 *Stealing ride. Boarding train*
- a Ark. Msdr. to board train with intent to obtain free ride. 2§ '05 ch.191, 24 Ap
- 1337 **Street railways**
- See also 500, Corporations; 841, 845, Taxation; 2040, Labor*
- a Mass. Rev. law rel. to railroad corporations and street ry. companies. 487§ '06 ch.463, 7 Je
- b Mass. "An act rel. to electric railroad companies." 27§ '06 ch.516, 22 Je
- c N. Y. Com'n to be appointed to confer with N. J. representatives to secure system of transit by construction of bridges between N. Y. and N. J.; \$1000. 2§ '06 ch.260, 19 Ap
- 1338 **Underground and elevated roads**
- a Mass. Term of Boston Transit Com'n appointed by '94 ch.548 extended 3 years to July 1909. 2§ '06 ch.213, 30 Mr
- b Mass. Boston Elevated Ry. Co. may construct subway to connect with city of Cambridge. 32§ '06 ch.520, 23 Je
- c N. Y. Generally amdg. '91 ch.4 rel. to rapid transit in cities of 1,000,000. 18§ '06 ch.472, 16 My
- d N. Y. Amdg. '91 ch.4 §32: N. Y. city bd of rapid transit com'rs may with approval of financial bd of city contract with railroad corp. to operate tunnel railroad under river from adjoining state to terminus within city. 1§ '06 ch.606, 24 My
- 1339 **Corporate organization and powers**
- See 1337*
- 1345 *Mail. Express. Light freight*
- a N. J. Amdg. '96 ch.144 §1: street ry. co. may carry freight in and through municipality on consent and regulation of governing body. 1§ '06 ch.77, 2 Ap
- 1350 **Public ownership and aid**
- a N. J. Borough may construct and operate street ry. to railroad station; submission to vote. 12§ '06 ch.194, 2 My

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**General supervision,** *see* 1337

1353

**Construction**

1356

**LIMIT OF TIME FOR COMPLETION**

- a **N. Y.** Declaring unconst. '01 ch.494 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const. In re Brooklyn, Q. C. & S. R. Co. 77 N. E. 994 (1906)
- b **N. Y.** Declaring unconst. '01 ch.508 in so far as it relates to railroad companies whose charter rights had been forfeited by inaction prior to its enactment. Conflicts with art.3 §18 of N. Y. Const. In re Brooklyn, Q. C. & S. R. Co. 77 N. E. 994 (1906)

1359

**Location. Right of way**

1360

**ABANDONMENT. REQUIRED OPERATION**

- a **Mass.** Supreme Judicial Court on petition may compel street car to resume use of discontinued tracks. 4§ '06 ch.339, 30 Ap

1362

**FRANCHISES. LOCATION OF TRACK. EXTENSIONS**

*See also 2528, Franchises (general)*

- a **Ia.** Amdg. C. §2026 rel. to operating street rys. over highways outside limits of city or town. 1§ '06 ch.87, 9 Ap
- b **La.** Amdg. '02 ch.188 authorizing police juries to grant franchise to rys. other than steam: franchise to be sold for a *cash price* [percentage of gross annual receipts]. 10§ '06 ch.48, 29 Je
- c **N. J.** Amdg. '86 ch.135 §8: procedure on extension of tracks of street ry. corp. 2§ '06 ch.311, 12 Je
- d **O.** Councils of municipalities may grant franchises to interurban railroads, not operated by steam, to secure terminals in municipalities. 1§ '06 p.253, 2 Ap

1365

**Fares. Passes**

- a **Mass.** Amdg. R.L. ch.112 §72: transportation of pupils of private schools by street and elevated ry. companies at half fare. 1§ '06 ch.479, 14 Je

1368

**Public safety and comfort**

- a **Mass.** Bd of Railroad Com'rs to investigate and test safety devices for use on street cars; \$2500. '06 r.55, 28 Ap

1372

**Light, heat and ventilation**

- a **Ark.** Street cars to be heated during cold weather. 3§ '05 ch.331, 11 My

1374

**Public order. Police**

1375

**Obstruction. Injury**

- a **S. C.** Crim.C. §190-93 prohibiting obstruction or injury of railroads, to apply to electric rys. 4§ '06 ch.37, 21 F
- b **Va.** Amdg. C. '87 §3725: provisions rel. to malicious obstruction or injury to railroads extended to electric rys. 2§ '06 ch.253, 15 Mr

## TRANSPORTATION AND COMMUNICATION

1378

### Express

*See also* 500, Corporations; 841, Corporation tax; 845, Taxation; 1345, Street railways

- a **Mass.** Bd of Railroad Com'rs may supervise express companies as to character of accommodations and service and as to reasonableness of rates. 1§ '06 ch.266, 10 Ap
- b **Miss.** Persons or corporations not chartered as express companies prohibited from acting as domestic carriers. 2§ '06 ch.135, 18 Ap

1384

### Canals

- a **N. Y.** Amdg. canal law '94 ch.338 §26, 27, 143: sup'ts of repairs on canal to file bond and accounts with *Sup'ts of Public Works* [Compt.]; advances to sup'ts of repairs; Sup't of Public Works may hold \$100,000 [\$50,000] for payment of contracts. 3§ '06 ch.257, 19 Ap
- b **O.** Amdg. '78 p.584 §2: abolishing Canal Com'n and transferring powers and duties to Bd of Public Works. 7§ '06 p.304, 2 Ap

1388

### Ferries. Fords

1390

#### Private. License

- a **Ky.** Operators of ferries across Ohio and Mississippi rivers to provide waiting rooms for passengers. 2§ '06 ch.147, 24 Mr
- b **La.** Amdg. R.S. §1501: municipalities not to waive their jurisdiction of ferries and bridges; police juries may lease ferries for 10 [5] years; existing ferry leases not exceeding 10 years recognized. 2§ '06 ch.132

1393

### Bridges. Tunnels

*See also* 2700

- a **N. J.** Bd of chosen freeholders of county on determining to erect public bridge may condemn land. Supplements S.'46 p.535. 1§ '06 ch.16, 9 Mr
- b **N. J.** Amdg. '92 ch.185 §1-2: bd of chosen freeholders may *erect new bridge* [rebuild or replace old bridge]; bond issue limited to \$250,000 [\$100,000]. 2§ '06 ch.64, 30 Mr
- c **N. J.** Amdg. '04 ch.101 §5 rel. to construction of viaducts between 2 or more municipalities: annual expense not to exceed 1/5 % [1/10 %] of ratables of county. 1§ '06 ch.138, 20 Ap
- d **N. J.** Chosen freeholders of county required by federal gov't to remove or reconstruct bridge may issue bonds. 1§ '06 ch.201, 2 My
- e **O.** Amdg. R.S. §795 as to contracts for concrete substructure of county bridges. 2§ '06 p.21, 26 F
- f **Pa.** Bd of Com'rs of Public Grounds and Buildings contracting under '03 ch.169 for rebuilding of county bridges destroyed, not to spend over \$750,000 in any year; msdr. to make collusive bids on contract. 3§ '06 ch. 8, 15 F

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- g Pa.** County com'rs to advertise and receive bids for contracts over \$250 for repairing or building county bridge. 6§  
'06 ch.14, 5 Mr
- h Pa.** Regulating building of county bridges; contracts over \$250 to be let to lowest bidder; bridge on county line; issue of bonds. 4§  
'06 ch.15, 5 Mr
- i Wis.** Amdg. S.'98 §1319 rel. to county aid to towns building or repairing bridges; tax levy. 1§  
'05 (ex. sess.) ch.1, 16 D

1396

## Bridges on boundaries

- a N. J.** Com'n to be appointed to confer with Gov. and Leg. of N. Y. rel. to appointment of joint com'n to provide for construction of bridges over Hudson river at N. Y. city. 3§ '06 p.737, 27 Mr

1411

## Telegraph and telephone

*See also* 320, Crimes against property; 500, Corporations; 841, 845, Taxation; 2040, Labor

1414

## Supervision

- a Mass.** Corporations engaged in transmission of intelligence by electricity to be under supervision of State Highway Com'n; regulation of rates and service; annual returns to com'n; prosecution; annual report by com'n to Leg. 13§  
'06 ch.433, 31 Mr

1421

## Transmission and delivery. Secrecy

- a Va.** Amdg. '04 (ex. sess.) ch.609 pt8 §5: telephone or telegraph companies to receive and transmit messages for other telephone or telegraph co. on payment of usual charge; proviso. 2§  
'06 ch.310, 17 Mr

1422

## Commerce and industry (general)

1425

## Weights and measures

- a Ark.** Msdr. to sell sack, barrel or package of grain, chops, bran, fertilizer, meal or flour without weight stamped thereon. 3§  
'05 ch.121, 29 Mr
- b Ia.** Rev.C. §3016 fixing standard bushel weights. 1§  
'06 ch.147, 10 Ap
- c Mass.** Amdg. R.L.ch.62 §33: possession of false weight or measure, prima facie evidence of fraudulent intent. 1§  
'06 ch.215, 30 Mr

1427

## Agricultural products

- a Cal.** Declaring unconst. '05 ch.302 requiring packages of butter of certain weight to have weight marked thereon. Not valid exercise of police power. Ex parte Dietrich 84 P. 770 (1906)
- b La.** Penalty for selling grain etc. in original package without weight stamped thereon. 3§  
'06 ch.197, 11 Jl



## COMMERCE AND INDUSTRY

- 1427  
c **Md.** Amdg. C.'04 art.97 §27, 29 and adding §30-34: fixing cubic inch capacity of standard bbl., baskets and measures used for shipment or sale of fruit and vegetables grown or packed in state. 7§ '06 ch.331, 3 Ap
- 1429  
a **Cal.** Declaring unconst. '03 ch.251 §1 rel. to marking packages of fruit to be shipped. Not within police power. Ex parte Hayden 82 P. 315 (1905)  
*Fruits*
- 1433  
a **S. C.** Amdg. C.C. §1552-55 and Crim.C. §353 rel. to public weighing of cotton; election of county weighers; county may make contracts for platform if storage charge fixed at 1/2c [1c] a bale for cotton remaining on platform over 1 [5] day. 7§ '06 ch.88, 24 F  
*Cotton*
- 1447  
a **Mass.** Provision for sealing glass bottles and jars used by milk dealers. 3§ '06 ch.323, 28 Ap  
*Milk cans and bottles*
- 1459  
a **Ga.** Weight to be marked on packages containing flour, grist or corn meal: weight when put up in bbl.; when put up in sacks: allowance for variations; penalty. 5§ '06 p.111, 21 Ag  
b **Ga.** Fixing standard weight of corn meal and regulating sale: size of packages and how marked; penalty. 4§ '06 p.118, 21 Ag  
c **Ky.** Standard half bu. measure to be used in handling wheat: act not to apply to carload lots. 1§ '06 ch.105, 21 Mr  
d **S. C.** Amdg. '03 ch.85 §2: msdr. to sell corn meal grist, except in packages of standard bu. or fraction thereof. 1§ '06 ch.90, 24 F  
*Wheat and corn products*  
*See also 978, Adulteration*
- 1464 **Adulterations and imitations. Branding. Inspection**  
*See also 956, Adulterations liable to affect public health*  
a **La.** Penalty for selling in state or shipping out of state fish, oysters, oranges or farm products falsely labeled, to induce belief that they were produced elsewhere than in state. 1§ '06 ch.112, 7 Jl
- 1466 **Adulteration. Inspection**
- 1469  
a **Md.** Msdr. to manufacture mattresses, couches etc. using wool or shoddy made from cast off clothing, without labeling. Adds C.'04 art.43 §34A-B. 2§ '06 ch. 358, 3 Ap  
*Cloth*
- 1472  
a **Ky.** Regulating sale of concentrated commercial feeding stuffs. 16§ '06 ch.48, 17 Mr  
*Commercial feed for stock*

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- b **La.** Amdg. '04 ch.153 §2, 3: commercial feeding stuff defined; ingredients; analysis. 3§ '06 ch.125, 10 J1
- c **S. C.** "An act to regulate sale of concentrated commercial feeding stuff." 6§ '06 ch.62, 23 F

1474

*Fertilizers*

- a **S. C.** Amdg. C.C. §1541: fertilizers to be analyzed by chemist of Clemson Agricultural College within *40 days* [3 months] after receipt of sample. 1§ '06 ch. 49, 23 F
- b **S. C.** Amdg. Crim. C. §360-62: law rel. to fraud in manufacture and sale of fertilizers to apply to cotton seed meal. 4§ '06 ch.96, 24 F
- c **S. C.** Amdg. C.C. §1529-42A rel. to inspection and analysis of fertilizers: law to apply to cotton seed meal; action for penalty. 15§ '06 ch.97, 23 F

1478

*Grain and grain products*

*See also 1515, Grain warehouses and inspection*

- a **La.** "To regulate the sale of certain mill products and cereals and provide penalties for violations thereof." 7§ '06 ch.157, 10 J1
- b **Miss.** To regulate sale of mill products made from cereals: weight and contents of package to be marked and adulterated goods so labeled. 3§ '06 ch.140, 22 F

1490

*Oil. Paint. Lead*

*See also 1493, Petroleum products*

- a **N. Y.** To prevent adulteration in sale and manufacture of turpentine, linseed and flaxseed oil. Adds §200-3 to agricultural law '93 ch.338; rep.'98 ch.412. 5§ '06 ch.584, 23 My

1492

*Insecticides*

- a **N. J.** "An act to regulate sale of paris green." 7§ '06 ch.93, 9 Ap

1493

*Petroleum products*

- a **Ia.** Amdg. '04 ch.87 §1, 9: term of inspectors of petroleum products to commence in *odd* [even] numbered years; biennial report in *even* [oddl] years. 2§ '06 ch.105, 10 Ap
- b **O.** Amdg. R.S. §395-96: reorganizing system of oil inspection 3§ '06 p.359, 2 Ap

1496

*Seeds*

- a **Ky.** Amdg. '04 ch.82 defining and prohibiting adulteration of timothy seed. 3§ '06 ch.37, 16 Mr

1500

*Marks, labels etc.*

*See also 958, Adulteration (food)*

- a **N. J.** Amdg. '98 ch.50 §10 rel. to trade marks: penalty for violating act §200 [\$200 to \$500]. 1§ '06 ch.26, 24 Mr

## COMMERCE AND INDUSTRY

- 1501 Bottles, cans and other receptacles**  
**a Md.** Amdg. C.'04 art.27 §306, 308, 314: prohibiting unauthorized use of bottles etc. used by dealers in milk, cream and their by-products. 3§ '06 ch.47, 6 Mr

- 1503 Union labels**  
**a Ark.** Protecting labor unions in use of label or distinguishing device; label may be filed in office of Sec. of State. 9§ '05 ch.309, 6 My

- 1504 Society badges and insignia**  
**a N. J.** Msdr. to wear fraternal insignia to obtain aid or recognition as member, unless entitled under const. and bylaws. 1§ '06 ch.330, 14 Ag  
**b R. I.** Amdg. G.L. ch.283 §22: prohibiting unauthorized use of insignia of Spanish War veterans or Protective Order of Elks of United States. 2§ '06 ch.1358, 20 Ap  
**c S. C.** Msdr. to wear unlawfully insignia of fraternal, benevolent, secret or social organizations. 2§ '06 ch.76, 24 F

## **1505 Associations. Exchanges. Speculation**

- 1507 Speculation. Bucket shops**  
*See also 883, Gambling*  
**a Ga.** Penalty for dealing in futures: witnesses' immunity; facts constituting guilt; bona fide trade not prohibited. 9§ '06 p.95, 20 Ag

## **1508 Warehouses. Markets**

*See also 1544, Commission merchants*

- 1510 Warehouses**  
**a Ky.** Warehouse companies: incorp. and organization; supervision by State Insurance Com'r. Supplements S.'03 ch.32. 3§ '06 ch.145, 24 Mr

- 1513 Warehouse receipts**  
**a Md.** U. S. bonded or distillery warehouses made subject to regulations of C.'04 art.14 rel. to warehouse receipts. Adds §12. 1§ '06 ch.19, 27 F

- 1515 Grain warehouses and inspection**  
**a Wis.** Misc. amdt. to '05 ch.19 rel. to grain warehouses and elevators and storage, weighing and inspection of grain in city of Superior. Adds §58-80. 24§ '05 (ex. sess.) ch.12, 19 D

## **1520 Tobacco warehouses**

- 1524 State warehouse**  
**a Md.** Amdg. '04 ch.426 §2: providing for rebuilding and equipping of certain state tobacco warehouses under supervision of State Tobacco Warehouse Building Com'n. 5§ '06 ch.804, 5 Ap

**1532 Regulation and licensing of trades and occupations**

**1536 Accountants**

- a **R. I.** Regulating business of certified public accountants. 11§  
'06 ch.1370, 20 Ap

**1540 Barbers**

- a **Mass.** State Bd of Health to investigate sanitary condition of barber shops and desirability of regulating same; report to Leg. of 1907. '06 r.96, 7 Je
- b **N. Y.** Rep. '03 ch.632 which created Bd of Barber Examiners to regulate barbering. 1§ '06 ch.256, 19 Ap

**1543 Coal and coke dealers**

- a **Mass.** Amdg. '03 ch.484 §2, 3 rel. to licensing of coal and coke dealers: fees; revocation of license; rep. §4 rel. to appeal. 3§  
'06 ch.434, 31 My

**1544 Commission merchants**

- a **La.** Com'n merchant to give date and name and address of buyer in all accounts of sales: penalty. 2§ '06 ch.206, 12 Jl

**1546 Cotton**

*See also 1433, Weights and measures*

- a **Ga.** Msdr. to buy or sell seed cotton in Newton county from Sept. 1 to Dec. 20. 3§ '06 p.445, 18 Ag
- b **S. C.** Amdg. '04 ch.252: Confederate veterans may not buy seed cotton or unpack lint cotton without a license. 1§  
'06 ch.77, 24 F

**Dentistry, *see* 948**

**1560 Hawkers and peddlers**

- a **Mass.** Amdg. R.L. ch.65 §15 rel. to licensing of hawkers and peddlers. 1§ '06 ch.345, 3 My
- b **Minn.** Amdg. Const. 1857 art.1 by adding §18: person may sell or peddle product of own farm or garden without license. 2§. Adopted Nov. 1906. '05 ch.283, 19 Ap
- c **Wash.** Declaring unconst. '05 p.372 rel. to license tax on peddling or sale by sample after shipment to state of certain articles. Class legislation. Impairs privileges and immunities of citizens of other states. Bacon v. Locke 83 P.721 (1906)

**1568 Junk and secondhand dealers**

*See also 1727, Pawnbroking*

- a **N. Y.** On prosecution of junk dealer for dealing with child under 16, no defense that child was agent of another. Adds subdiv. 8 to Pen. C. §290. 1§ '06 ch.41, 13 Mr

## COMMERCE AND INDUSTRY

1568

- b **N. Y.** Extending jurisdiction of courts of special sessions except in city and county of N. Y. and city of Albany, to violations of law regulating junk business. Adds Crim. P. §56 subdiv. 39. 1§  
'06 ch.497, 19 My
- c **N. Y.** Amdg. '03 ch.308 §5: junk dealer convicted of violation of law in addition to penalties to forfeit license. 1§  
'06 ch.528, 21 My
- d **Va.** Amdg. '03 ch.148 §69, 70: licensing of junk dealers and of their canvassers; extension of term, junk. 2§ '06 ch.305, 17 Mr

**Law,** *see* 591

**Medicine,** *see* 944

1574

### Mill tolls

- a **Ky.** Amdg. S.'03 §2721 rel. to mill tolls: grain to be measured or weighed; disposition of fines. 1§ '06 ch.134, 22 Mr

**Pawnbroking,** *see* 1727

**Pharmacy,** *see* 949

**Plumbers,** *see* 1106(5, Plumbing

1586

### Transient merchants. Sale of bankrupt stocks. Itinerant vendors

- a **Ark.** Nonresident horse or mule trader camping on public land and peddler of organs, stoves, pianos or vehicles to pay license of \$100 in each county. 3§ '05 ch.181, 19 Ap
- b **Mich.** Declaring unconst. '05 ch.214 providing for licensing transient merchants, but giving any municipality power to suspend the act in any specific instance. Denies equal protection of the laws. Brown v. Stuart 108 N. W. 717 (1906)

1588

### Veterinary practice

- a **Md.** Amdg. '94 ch.273 §15: service of veterinary may be dispensed with in certain cases. 1§ '06 ch.476½, 3 Ap
- b **Mass.** Amdg. '03 ch.249 §1, 4 rel. to registration in veterinary medicine: salary of sec. of state bd \$400 [\$50]; exam. fees; revocation of certificate. 3§ '06 ch.503, 21 Je

1590

## Miscellaneous trade regulations

1592

### Advertisements

- a **Ark.** Msdr. for circus or exhibition to fail to furnish attractions advertised. 3§ '05 ch.272, 6 My

## N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

## 1596 Legal holidays. Public holidays

- a S. C. Thursday of fair week, legal holiday in counties where State Agricultural and Mechanical Society holds annual fair. 1§ '06 ch.68, 24 F'
- 1598 *Arbor and Bird day*
- a Ark. 1st Saturday in March to be Arbor day. 1§ '05 ch.209, 25 Ap
- 1610 *Jefferson Davis's birthday*
- a Miss. June 3, Jefferson Davis's birthday to be Confederate Memorial day. 1§ '06 ch.120, 2 Ja
- 1614 *Lee's birthday*
- a Ark. Jan. 19, birthday of Robert Edward Lee, to be observed in public schools by patriotic exercises. 3§ '05 ch.35, 14 F
- 1624 *Saturdays*
- a Va. Amdg. C. §2844: entire day of Saturday to be holiday and nonsecular and nonbusiness day as regards negotiable instruments and half holiday as to transaction of business generally. 4§ '06 ch.110, 9 Mr
- 1628 *Trading stamps*
- a Cal. Declaring unconst. '05 ch.69 prohibiting use of trading stamps. Not within police power. Ex parte Drexel 82 P. 429 (1905)
- b Ga. Amdg. gen. tax law '05 p.23 §2 110, 36, 48 rel. to tax on insurance agents, bottling works and manufacturers or dealers in tobacco; providing for tax on trading stamp business. 4§ '06 p.21, 20 Ag
- c Mass. Declaring unconst. '04 ch.403 §1 rel. to tax on business of selling or giving trading stamps on sale of articles. Class legislation. O'Keeffe v. City of Somerville 76 N. E. 457 (1906)

**1630                      Encouragement of industries**

## 1633                      Bonus. Exemptions. Bounty

*See also* 810, Exemptions from general property tax; 1282, Railroads; 1350, Street railways

- a Neb.** Declaring unconst. '95 ch.I rel. to sugar and chicory bounty. Pledges public money for private purposes.  
Oxnard Beet Sugar Co. v. State 105 N. W. 716 (1905)

## 1662 Expositions

*See also* 1835. Fairs

### *Jamestown Exposition*

- a La. Com'n consisting of Com'r of Agric. and Immigration, director of Experiment Station, curator of State Museum and 2 appointees of Gov. to prepare state exhibit for Jamestown Exposition. '06 ch.100, 11 JI

## BANKING

1662

- b **Md.** \$65,000 for Jamestown Exposition in 1907. 2§  
'06 ch.779, 5 Ap
- c **Mass.** Bd of Jamestown Exposition Managers to be appointed by Gov. and Council, to prepare state exhibit; \$50,000.  
'06 r.65, 7 My
- d **O.** Com'n to be appointed to decide as to participation of state in Jamestown Exposition. '06 p.410, 8 Mr
- e **R.I.** Com'n to be appointed for Jamestown Exposition; to prepare exhibit and erect building; \$15,000. 7§  
'06 ch.1368, 20 Ap
- f **S.C.** Com'n of 7 to be appointed by Gov. from the several congressional districts for Jamestown Tercentennial Exposition in 1907; \$20,000. 5§  
'06 ch.193, 24 F
- g **Va.** Counties may appropriate \$1500 each for historical and physical descriptions of counties for distribution at Jamestown Exposition. 4§  
'06 ch.122, 10 Mr

1675

### Resources and attractions. Immigration

*See also 2114, Emigrant agents*

- a **Ky.** Amdg. '94 ch.100 art.4 §1 subdiv. 27: city of 2d class may appropriate money for advertising resources. 1§  
'06 ch.122, 21 Mr
- b **Miss.** Creating Dep't of Agric. and Commerce to be in charge of Com'r of Agric., Statistics and Immigration: to develop agric., horticulture and kindred industries; annual report to Gov.; appropriation. 11§  
'06 ch.102, 14 Ap; '06 ch.103, 21 Ap
- c **Va.** Amdg. C. §183 subdiv. 13: salary of Com'r of Agric. and Immigration \$2800 [\$2000]. 1§  
'06 ch.2, 29 Ja
- d **Va.** Counties may appropriate \$1500 each for historical and physical descriptions of counties for distribution at Jamestown Exposition. 4§  
'06 ch.122, 10 Mr
- e **Va.** \$10,000 for promotion of immigration; appointment of special agents by State Bd of Agric. and Immigration; quarterly report by com'r to bd. 5§  
'06 ch.204, 14 Mr

1679

## Banking

*Banks of deposit or two or more kinds of banking institutions. See also 500, Corporations; 843, Taxation of banking institutions*

- a **Ky.** Prohibiting business of private banking. Rep. S.'03 §599-602. 3§  
'06 ch.44, 17 Mr
- b **Ky.** Directors of banks or trust companies may fix hours for opening and closing, and provide for Saturday half holiday. 1§  
'06 ch.46, 17 Mr
- c **Ky.** Amdg. S.'03 §612a rel. to incorp. of banking and trust companies: provisions extended to *all* counties [of less than 100,000]. 1§  
'06 ch.146, 24 Mr

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1679

- d **La.** Amdg. '02 ch.179 §1, 8, 19, 20, 22, 26 and 30 rel. to regulation and management of banks: certificate of authority; increase of capital stock; report; loans; surplus fund. 7§  
'06 ch.140, 9 Jl
- e **Md.** Provisions of C.'04 art.11 §19-32 rel. to incorp. and regulation of banks, to continue in force till 1909 [1905]. 1§  
'06 ch.483, 3 Ap
- f **Mass.** Amdg. '05 ch.428 §1, 2 rel. to taking of deposits by international transportation companies; sureties; prosecution. 4§  
'06 ch.408, 21 My

1680

*Inspection. Reports. Departments*

- a **Ia.** Amdg. C. §1871: examining committee appointed by directors to examine state and savings banks *to report to Auditor semi-annually*; penalty. 1§  
'06 ch.80, 23 Mr
- b **Ia.** Amdg. C. §1875: Auditor to appoint 5 [4] bank examiners; to examine banks, *loan and trust companies*; fees. 1§  
'06 ch.81, 10 Ap
- c **Mass.** Creating office of State Bank Com'r to be appointed by Gov. and Council for 3 years, at \$5000; abolishing Bd of Savings Bank Com'rs and transferring powers and duties to Bank Com'r. 5§  
'06 ch.204, 27 Mr
- d **N. Y.** Amdg. banking law '92 ch.689 §21a rel. to exam. of banks and trust companies: directors to investigate such matters pertaining thereto *as Sup't of Banks requires*. 1§  
'06 ch.481, 17 My
- e **S. C.** Providing for appointment of Bank Examiners. 11§  
'06 ch.64, 23 F

1681

**Amendment, extension of charter**

- a **Ia.** Renewal or extension of corporate existence of state and savings banks. 2§  
'06 ch.65, 10 Ap

1687

**Dissolution. Insolvency**

*See also 523, Corporations*

- a **Mass.** Amdg. R.L. ch.113 §6: Com'rs of Savings Banks may proceed against foreign banking ass'n or corp. when insolvent. 1§  
'06 ch.66, 12 F
- b **N. J.** Amdg. '95 ch.368 §5, 6, 8 rel. to individual and private bankers: person or ass'n not possessing \$20,000 of unencumbered assets over liabilities may be put in hands of receiver and enjoined from doing business; injunction may be dissolved on restoring deficiency. 3§  
'06 ch.130, 19 Ap
- c **N. J.** Amdg. '99 ch.173 §29, 30 rel. to banking: if bank in unsound condition Court of Chancery may order summary hearing, issue injunction and appoint receiver; duties of receiver. 2§  
'06 ch.156, 26 Ap

1688

**Deposits**

*For receiving deposits when insolvent see 1687*

- a **Ky.** Amdg. '93 ch.171 §47: banking corporations required to keep on hand but 10% of savings deposits. 1§  
'06 ch.155, 24 Mr



## BANKING

1689

### Foreign corporations

- a **Mass.** Foreign banking corporations to do business in state must secure certificate from *bd consisting of Bank Com'r, Treasurer and Receiver Gen. and Com'r of Corporations* [Bd of Com'rs of Savings Banks]; supervision of corporations by Bank Com'r [any Com'r of Savings Banks]. Rep. '02 ch.463. 5§  
'06 ch.347, 3 My

1691

### Loans. Investments

- a **Miss.** To prohibit loaning of money by individuals in name of banks; assignments of indebtedness secured by mortgage to be recorded in 30 days. 2§  
'06 ch.107, 13 Ap
- b **N. Y.** Amdg. banking law '92 ch.689 §25 ¶1 limiting amount of loans made by bank or trust co. to any person or corp.; loans and discounts secured by collateral security. 1§  
'06 ch.572, 23 My

1693

### Officers. Meetings

- a **N. J.** Amdg. '99 ch.173 §9 rel. to banking: oath to be taken by director and filed with Com'r of Banking and Insurance. 1§  
'06 ch.190, 2 My

1698

### Trust and safe deposit companies

- a **Md.** Amdg. C.'04 art.23 §99 rel. to foreign trust and fidelity corporations: notice of warning to be published in daily paper, on failure to make deposit with State Treasurer. 1§  
'06 ch.118, 22 Mr
- b **N. J.** Amdg. '99 ch.174 §24, 25 rel. to trust companies: if in unsound condition Court of Chancery may order summary hearing, issue injunction and appoint receiver; duties of receiver. 2§  
'06 ch.157, 26 Ap
- c **N. Y.** Amdg. banking law '92 ch.689 §156: foreign corp. may not transact business of trust co. 1§  
'06 ch.601, 23 My

1703

### Investments. Reserves

- a **N. Y.** Trust companies to have certain reserve fund. Adds §164 to banking law '92 ch.689. 2§  
'06 ch.337, 27 Ap

1705

### Officers

- a **N. J.** Amdg. '99 ch.174 §12 rel. to trust companies: directors, when number exceeds 9, may [once in 6 months] designate 9 members any 5 of whom shall constitute a quorum; oath of director to be filed with Com'r of Banking and Insurance. 1§  
'06 ch.191, 2 My

1708

### Savings banks

- a **Mass.** Prohibiting misleading use of name, receiving of money on deposit, or transacting of business to simulate business of savings bank; Bank Examiner authorized to inspect and report violations to Atty. Gen.; procedure. 1§  
'06 ch.377, 10 My
- b **N. J.** Savings bank act. 71§  
'06 ch.195, 2 My

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1713

## Investments. Reserves

- a **Ia.** Amdg. C. §1850 subdiv. 3: savings banks may invest funds in bonds of drainage districts. 1§ '06 ch.78, 15 Mr
- b **N. Y.** Amdg. banking law '92 ch.689 §116 subdiv. 5 and 6 ¶i rel. to securities in which savings banks may invest; legality of city bonds on default of city to pay part of principal or interest; legality of railroad mortgage bonds on consolidation of companies. 2§ '06 ch.581, 23 My

1714

## Officers

- a **N. J.** Amdg. '98 ch.235 §171: high msdr. for officer of bank, *trust co., safe deposit and trust co., or savings bank* to embezzle money or falsely keep accounts. 1§ '06 ch.192, 2 My

1715

## Mortgage, loan and investment companies

- a **N. J.** Amdg. '02 ch.134 §1: companies may organize to insure against loss by nonpayment of principal and interest of bonds and mortgages; surplus may be invested in 1st mortgages on real estate. 1§ '06 ch.211, 3 My

1718

## Building and loan associations

The names of these organizations vary somewhat but the powers and regulations do not depend on the name. The ordinary phrase is building and loan associations, but they are elsewhere called savings and loan associations, cooperative loan associations, etc., and in Massachusetts, cooperative banks.

- a **N. Y.** Amdg. banking law '92 ch.689 §195b rel. to expenses of building and mutual loan corp.: operating expenses not to include reasonable charges for collecting rent or superintending repair of real estate outside state and 200 miles or more from main corp. office. 1§ '06 ch.573, 23 My

1721

## Capital. Shares

- a **Ky.** Amdg. '93 ch.171 §251 rel. to capital stock of building and loan ass'ns: rep. provision which limited total value of shares to \$5,000,000. 1§ '06 ch.96, 21 Mr
- b **N. Y.** Amdg. banking law '94 ch.705 §174: *matured value* [number] of juvenile savings shares issued by cooperative savings and loan ass'ns not to exceed 10% of *matured value* [number] of shares in all other classes. 1§ '06 ch.438, 14 My
- c **O.** Amdg. '91 p.469 §3 rel. to building and loan ass'ns: payment of deposits to minor or guardian. 2§ '06 p.173, 31 Mr

1722

## Dissolution. Insolvency

- a **N. J.** Supplementing '03 ch.218 rel. to building and loan ass'ns: trustee, acquiring property by foreclosure of mortgage, on winding up ass'n, may use same as assets. 1§ '06 ch.5, 5 Mr
- b **N. Y.** To facilitate dissolution of building, mutual loan and accumulating fund ass'ns incorporated under '51 ch.122; distribution of assets. 6§ '06 ch.600, 23 My

## INSURANCE

1724

### Loans. Investments

- a **Mass.** Amdg. R.L. ch.114 §17: partial payments of loans made by cooperative banks. 1§ '06 ch.280, 14 Ap
- b **N. J.** Amdg. '03 ch.218 §24: building and loan ass'n may invest in loans on bond and mortgage on improved real estate to 2/3 [50%] of cash value. 2§ '06 ch.54, 30 Mr

1726

### Reserve. Security deposit

- a **N. Y.** Amdg. banking law '92 ch.689 §184: directors of co-operative savings and loan ass'ns to [may] carry reserve fund equal to 5% of dues and dividends credited to members and equal to 50% of real estate owned by corp. 1§ '06 ch.432, 14 My

1727

### Pawnbroking

*See also 463, Usury; 1568, Junk and secondhand dealers*

- a **Miss.** Declaring unconst. '04 ch.76 imposing license tax on business of money lending on personal securities. Class legislation. Rodge v. Kelly 40 S. 552 (1906)
- b **N. Y.** On prosecution against pawnbroker for advance of money to child under 16 on pledge of chattel, no defense that child was agent of another. Adds subdiv. 8 to Pen. C. §290. 1§ '06 ch.41, 13 Mr
- c **Va.** To regulate business of loaning money in sums under \$150 on household goods and on wages and salaries; \$100 license tax; conditional sales. 10§ '06 ch.156, 12 Mr

1732

### Insurance

*See also 500, Corporations; 844, Taxation of insurance companies*

- a **Ia.** Leg. insurance com'n to be appointed; to investigate system, practice and policies of insurance companies; report to State Auditor by Dec. 1, 1906; \$10,000. 11§ '06 ch.188, 5 Ap
- b **Mass.** Com'n to be appointed to recodify laws on insurance; report to present Leg. '06 r.11, 20 F
- c **N. Y.** Generally amdg. insurance law '92 ch.690. 46§ '06 ch.326, 27 Ap
- d **Va.** Gen. insurance law. 163§ '06 ch.112, 9 Mr

1733

### State departments

- a **Cal.** Amdg. P.C. §630: \$5000 [\$2000] annual appropriation for contingent expenses of Insurance Com'r. 1§ '06 ch.29, 14 Je
- b **Pa.** Salary of Insurance Com'r \$6000; fees to be paid into state treasury. 3§ '06 ch.2, 13 F
- c **Pa.** Designating employees of Insurance Dep't and fixing salaries; fees of insurance companies to be paid into state treasury. 5§ '06 ch.16, 5 Mr

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1734

*Examination. Report*

- a **Cal.** Insurance Com'r may demand of insurance co. list of policies existing at any date, with forms; revocation of certificate and liability for penalty on bond to \$2000, on failure to furnish list and forms. Adds P.C. §597a. 1§ '06 ch.2, 3 Je
- b **La.** Requiring additional information in annual report of life insurance companies: abstract to be published in 3 newspapers. 2§ '06 ch.87, 7 Jl
- c **O.** Amdg. R.S. §268-69 rel. to enforcement of insurance laws: Sup't of Insurance to appoint warden to investigate reported violations; powers to compel attendance of witnesses and secure books and papers. 3§ '06 p.265, 2 Ap

1736

**Agents**

- a **Ark.** Amdg. S.'04 §4371-74: fire, accident, employers liability or steam boiler insurance or surety co. not to authorize nonresident to issue policy, or to pay com'n to nonresident or unauthorized agent. 5§ '05 ch.327, 11 My

1739

**Capital**

- a **La.** Life insurance co. incorporated in state to deposit \$100,000 in securities before doing business: stock co. to have capital stock fully paid in cash; mutual co. to have \$200,000 of insurance subscribed. 2§ '06 ch.99, 7 Jl

1741

**Deposit of security. Reserve**

- a **Ga.** Authorizing life insurance companies doing business in state on legal reserve plan to deposit with State Treasurer securities to amount of reserve value of all policies issued: procedure. 6§ '06 p.107, 20 Ag
- b **La.** Life insurance co. incorporated in state to deposit \$100,000 in securities before doing business; stock co. to have capital stock fully paid in cash; mutual co. to have \$200,000 of insurance subscribed. 2§ '06 ch.99, 7 Jl

1742

**Discrimination**

- a **N. Y.** Msdr. to receive rebate on taking life insurance policy. Adds Pen. C. §577k. 1§ '06 ch.231, 13 Ap

1746

**Foreign companies**

- a **Miss.** Declaring unconst. R.C. '80 §1073 and '90 ch.4 prescribing conditions on which foreign insurance companies may do business in state, in so far as it prohibits foreign insurance co. not doing business in state from suing in state for collection of premium. Impairs obligation of contracts.

Swing v. Brister & Co. 40 S. 146 (1906)

- b **O.** Amdg. R.S. §2745c: foreign insurance co. not to be admitted to do business till taxes and penalties assessed against it for violation of insurance laws are paid. 2§ '06 n.242, 2 Ap

## INSURANCE

1747

### Investments

- a **Ia.** Rev. C. §1806: investment of funds of life insurance companies. 1§ '06 ch.77, 10 Mr
- b **N. Y.** Amdg. gen. corp. law '92 ch.687 §13 rel. to acquisition of real property by life insurance corporations. 1§ '06 ch.228, 13 Ap

1748

### Liability. Actions against company

- a **Ark.** Fire, life, health and accident insurance companies liable for damages and attys. fees on failure to pay loss within time specified in policy. 2§ '05 ch.115, 29 Mr
- b **S. C.** Suits against insurance companies may be brought in county where loss occurs. 1§ '06 ch.70, 24 F

1750

### Officers

- a **N. Y.** Amdg. stock corp. law '92 ch.688 §20: policy holders of insurance corp. eligible to election as directors *whether Stockholders or not.* 1§ '06 ch.238, 16 Ap
- b **N. Y.** Amdg. '06 ch.123 §1 rel. to election of directors in domestic mutual life insurance corporations: annual election which would be held prior to *Dec. 18* [Nov. 15], 1906 to be held Dec. 18; proxies to be executed after *Oct. 18* [Sept. 15]. 1§ '06 ch.354, 4 My
- c **S. C.** '02 ch.557 rel. to election of directors of banking, ship-buildings and trust corporations, to apply to insurance companies. 1§ '06 ch.40, 21 F

1752

### Policies

- a **Ga.** Insurance policy which makes application, bylaws or const. part of contract, must have copy of same attached. 2§ '06 p.107, 17 Ag

1754

### Life and accident

- a **Ia.** Rep. C. §1784a-o rel. to stipulated premium and assmt. life insurance ass'ns. 1§ '06 ch.76, 15 Mr
- b **Ky.** Domestic life insurance companies to make deposit and file report. 9§ '06 ch.144, 24 Mr
- c **La.** Domestic life insurance co. to secure voucher on disbursement of \$100 or more. 1§ '06 ch.56, 2 Jl
- d **O.** Joint leg. committee of 3 senators and 3 representatives to revise laws on life insurance; report to Leg. of 1908. '06 p.417, 30 Mr
- e **Wis.** Joint leg. committee to be appointed to investigate life insurance corporations; report to Gov. by Dec. 1906. 3§ '05 (ex. sess.) ch.9, 19 D; '05 (ex. sess.) p. 39

**Agents,** *see* 1736

**Discrimination,** *see* 1742

**Investments,** *see* 1747

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1758

**Policy. Application. Rates**

- a **La.** Life insurance policies to contain the entire contract: statements purporting to be made by assured to be representations, not warranties. 1§ '06 ch.52, 2 Jl
- b **La.** Life insurance policies not to be forfeited for default in payment of premium unless printed notice is given not less than 15 nor more than 45 days before due: action on forfeited policy must be brought within 2 years. 1§ '06 ch.68, 4 Jl
- c **La.** Life insurance co. not to insert provision in policy that person soliciting insurance is agent of assured. 2§ '06 ch.94, 7 Jl
- d **La.** Life insurance policy holder to have same privileges and rights as policy holder of state or country of company's domicile. 2§ '06 ch.96, 7 Jl
- e **La.** Penalty for using false estimates to procure sale of life insurance policy. 1§ '06 ch.107, 7 Jl
- f **La.** Life insurance policy (other than term) not forfeited for nonpayment of premium after payment of 3 years premiums; reserve to be applied for extended insurance. 4§ '06 ch.193, 11 Jl

1758(7)

**Surplus. Dividends**

- a **La.** Life insurance companies required to distribute surplus annually on participating policies issued after Jan. 1, 1907. 1§ '06 ch.88, 7 Jl
- b **Md.** Life insurance co. not to issue policy participating in profits or surplus where accounting, apportionment and distribution of same is delayed more than 5 years. Adds C. art.23 §199, 200. 2§ '06 ch.273, 2 Ap

1759

**Mutual insurance**

- a **N. Y.** Term of office of directors of domestic mutual life insurance corporations to cease and new directors be elected on Nov. 15, 1906 for 2 year term; proxies executed before Sept. 15, 1906 to be invalid; directors to elect new officers; terms of those in office to expire. 3§ '06 ch.123, 2 Ap

1761

**Fraternal beneficiary societies**

- a **Ky.** Amdg. S. '03 §679: provisions of section requiring application to be attached to policy issued by assmt. insurance co. not to apply to fraternal societies. 1§ '06 ch.141, 24 Mr
- b **Ky.** Amdg. S.'03 §664: provisions of section defining cooperative or assmt. life insurance corporations, not to apply to fraternal societies. 1§ '06 ch.142, 24 Mr
- c **La.** "An act to provide for the organization, admission and regulation of ass'ns transacting the business of life, accident, sick benefit or physical disability insurance on the fraternal plan . . ." 37§ '06 ch.115, 9 Jl
- d **Va.** To define and regulate fraternal beneficiary ass'ns. 13§ '06 ch.320, 17 Mr

## INSURANCE

### 1762 Accident, health and industrial insurance

- a **Ia.** Life insurance companies may transact health, accident and employers liability insurance. 1§ '06 ch.74, 10 Ap
- b **Ia.** Amdg. C. §1784: assmt. life insurance companies may transact health and accident insurance. 1§ '06 ch.75, 23 Mr
- c **Ky.** Regulating domestic corporations guaranteeing burial of persons holding certificates, bonds or policies. 7§ '06 ch.143, 24 Mr
- d **La.** Defining and regulating industrial life insurance companies: deposit required; foreign companies. 8§ '06 ch.65, 4 Jl

### 1764 Fire and other casualties

*See also* 791, Insurance of public property; 1092, Fires; 1124, Fire limits; 1293, Forest fires; 2603, Fire departments

- a **Ia.** Amdg. C. §1709-10 rel. to insurance companies other than life: stock companies may insure steam boilers and plate glass. 2§ '06 ch.70, 9 Ap; '06 ch.71, 30 Mr
- b **Ia.** Amdg. C. §1737 rel. to insurance companies other than life: *Auditor of State* [each co.] to publish annually certificates of compliance of the several companies; fees. 1§ '06 ch.73, 10 Ap

**Agents,** *see* 1736

**Discrimination,** *see* 1742

### 1766 Foreign companies

- a **R. I.** Amdg. G.L. ch.182 §8: prohibiting person to act as agent of fire or marine insurance co. of foreign country unless co. have paid-up capital of \$200,000 and have made deposit with State Insurance Com'r of \$200,000 securities. 2§ '06 ch.1324, 11 Ap

**Investments,** *see* 1747

### 1770 Mutual companies

- a **Ark.** Organization and regulation of mutual fire, lightning, tornado, windstorm and cyclone corporations. 11§ '05 ch.192, 24 Ap
- b **Ark.** Regulating admission and doing of business of foreign mutual fire insurance companies. 9§ '05 ch.324, 13 My
- c **Ia.** Amdg. C. §1689 and 1709 subdiv.1, 4: mutual insurance companies not to insure property or goods in transportation, or live stock against casualty. 1§ '06 ch.68, 23 Mr
- d **Wis.** Declaring unconst. '03 ch.229 rel. to reincorp. into stock corporations of mutual fire insurance companies. Impairs obligation of contracts and takes property without due process of law. *Huber v. Martin* 105 N. W. 1031 (1906)

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1773 **Miscellaneous casualty**

- a **Ia.** Amdg. C. §1709 subdiv.5: insurance companies other than life may insure against damage by water from automatic sprinkling systems. 2§ '06 ch.70, 9 Ap
- b **Mass.** Amdg. R.L. ch.118 §29 subdiv.4: insurance companies may insure against loss by explosion of fly wheels. 1§ '06 ch.396, 19 My

1781 **Burglary. Loss in transportation**

- a **Ia.** Amdg. C. §1709: insurance companies other than life may insure money and securities from loss in transportation. 2§ '06 ch.72, 30 Mr

1789 **Live stock**

- a **Ia.** Amdg. C. §1709 subdiv.4: stock companies may insure horses and registered cattle against death from disease or accident. 1§ '06 ch.69, 28 F

1795 **Surety and guaranty companies**

*See also* 1698, Trust companies

- a **Md.** Amdg. C.'04 art.23 §99 rel. to foreign trust and fidelity corporations: notice of warning to be published in daily paper, on failure to make deposit with State Treasurer. 1§ '06 ch.118, 22 Mr
- b **O.** Amdg. R.S. §3821ggg rel. to title guaranty and trust companies: to do business, full paid capital stock of \$100,000 [\$500,000] and deposit with State Treasurer of \$50,000 [\$250,000] required; \$50,000 additional security to be filed for each county in which it operates; return of excess securities. 2§ '06 p.153, 29 Mr

1800 **Navigation. Waterways**

*See also* 1139, Steamboats (safety); 1384, Canals; 1388, Ferries and fords; 1393, Bridges

- a **N. J.** Navigable waters, flowed by tide water in Ocean, Atlantic and Cape May counties to be annually indicated; removal of buoys a msdr. 8§ '06 ch.303, 12 Je

1803 **Harbors**

1804 **Wharves. Docks. Piers. Wharf lines**

- a **Cal.** \$100,000 for repair and reconstruction of water front in San Francisco, to be expended under direction of State Harbor Com'rs. 2§ '06 ch.36, 14 Je
- b **Cal.** Amdg. P.C. §2528: \$10,000 [\$6000] a month may be reserved from moneys collected by Bd of State Harbor Com'rs for repairs of San Francisco harbor. 1§ '06 ch.37, 14 Je
- c **Cal.** Amdg. '99 ch.93 §1 rel. to payment of moneys into state treasury: the several bds of harbor com'rs may reserve \$10,000 [\$6000] a month for repairs of respective harbors. 1§ '06 ch.44, 14 Je



## AGRICULTURE

1804

- d **N. Y.** Maintenance of open piers in the several divisions of N. Y. city water front. Adds §867a to Greater N. Y. charter, '01 ch.466. 1§ '06 ch.635, 24 My

1812

### Obstructions

- a **Ky.** "An act to prevent obstruction of navigable streams." 1§ '06 ch.116, 21 Mr
- b **O.** Amdg. R.S. §4562: county com'rs may remove obstruction to waterway preventing full flow or which endangers county or township road *after notice*; expense and penalty to be paid by offender. 2§ '06 p. 22, 26 F

1817

### Police

- a **N. Y.** Amdg. railroad law '90 ch.565 §58 rel. to steamboat police: Gov. may appoint *1 or more* policemen for each steamboat; filing of notice of appointment and com'n. 1§ '06 ch.380, 10 My
- b **Va.** Amdg. '04 ch.153: local authorities may restrict transportation of excursion parties by steamboat companies without adequate police protection. 3§ '06 ch.258, 15 Mr

1818

### Public waters

- a **Md.** Amdg. C.'04 art.27 §381: unlawful to dig, dredge or take away sand from *any navigable river, creek or branch* [Potomac river]. 1§ '06 ch.426, 3 Ap

1826

## Agriculture

*See also* 956, 1466, Adulteration; 1144, Communicable diseases of animals; 1427, Agricultural products (weights and measures); 1474, Fertilizers; 1588, Veterinary practice; 2343, Agricultural schools

- a **Ga.** Salaries of Com'r of Agric. and Com'r of Pensions \$3000. 2§ '06 p.110, 17 Ag
- b **Ia.** Amdg. C. §1657d: voting by proxy [of delegates elected by farmers institute] prohibited at annual State Agricultural Convention. 1§ '06 ch.66, 10 Ap
- c **Ia.** Amdg. C. §1657n: salary of sec. of Dep't of Agric. \$1800 [\$1500]. 1§ '06 ch.67, 6 Ap
- d **Ky.** Creating State Bd of Agric., Forestry and Immigration: powers and duties. 14§ '06 ch.90, 21 Mr
- e **La.** Com'r of Agric. and Immigration may use portion of proceeds of tag fund for expenses: sec. to com'r to receive and deposit fund; bond required. 4§ '06 ch.201, 12 Jl
- f **Miss.** Creating Dep't of Agric. and Commerce to be in charge of Com'r of Agric., Statistics and Immigration; to develop agric., horticulture and kindred industries; annual report to Gov.; appropriation. 11§ '06 ch.102, 14 Ap; '06 ch.103, 21 Ap
- g **N. Y.** Amdg. C.C.P. §484: 2 or more causes of action to recover penalties under agricultural law may be joined in 1 complaint. 1§ '06 ch.29, 8 Mr
- h **Va.** Amdg. C. §183 subdiv.13: salary of Com'r of Agric. and Immigration \$2800 [\$2000]. 1§ '06 ch.2, 29 Ja

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1826

- i **Va.** Rep. C. §1897-98: abolishing office of State Assayer and Chemist created by '73 ch.146 to analyze soils and assay ores and metals. 1§ '06 ch.27, 17 F

1828

**Experiment stations**

*See also 2343, Agricultural schools*

- a **Ark.** State agricultural experiment station; State University to establish courses of study in connection therewith; establishment of branch stations; appointment of assistant veterinarians; bulletins; appropriations. 9§ '05 ch.231, 1 My
- b **Ga.** Accepting conditions of U.S. grant of 1906 increasing annual appropriation for agricultural experiment stations. 2§ '06 p.1161, 18 Ag
- c **Ia.** Accepting conditions of U.S. grant increasing appropriations for agricultural experiment stations: designating station of Ia. State College of Agric. and Mechanic Arts as beneficiary. 1§ '06 ch.213, 9 Ap
- d **La.** Accepting conditions of U.S. grant of 1906 increasing annual appropriation to agricultural experiment stations. 3§ '06 ch.50, 30 Je
- e **Md.** Accepting conditions of U.S. '05-'06 ch.47 granting increased annual appropriation for agricultural experiment stations; designating Md. Agricultural College as beneficiary. 2§ '06 ch.217, 30 Mr
- f **Mass.** Accepting conditions of U.S. grant of 1906 providing increased annual appropriation for agricultural experiment stations. 2§ '06 ch.330, 28 Ap
- g **Miss.** Accepting conditions of congressional grant (U.S. '05-'06 ch.47) providing increased annual appropriation for experiment stations; designating Miss. Agricultural and Mechanical College as beneficiary. '06 ch.233, 21 Ap
- h **N.J.** Accepting conditions of U.S. law of 1900 providing for increased annual grant for agricultural experiment stations. 2§ '06 ch.204, 3 My
- i **N.Y.** Accepting conditions of U.S. grant of 1906 providing increased annual appropriation for agricultural experiment stations; designating State College of Agric. at Cornell Univ. and N. Y. State Agricultural Experiment Station at Geneva as beneficiaries. '06 p.1900, 17 Ap
- j **R.I.** Accepting conditions of U.S. grant of 1906 increasing annual appropriation to agricultural experiment stations. '06 r.2, 5 Ap
- k **Va.** \$5000 annual appropriation for Va. State Agricultural Experiment Station to be expended according to provisions of Hatch act. 6§ '06 ch.226, 15 Mr

1829

**Farmers institutes. Reading courses. Lectures**

- a **O.** Amdg. '90 p.332 §3 rel. to payment of expenses of farmers institutes. 2§ '06 p. 307, 2 Ap

## AGRICULTURE

1835

### Associations. Fairs

*See also 891, Racing*

- a **Md.** Amdg. '92 ch.670 §1-3: agricultural ass'ns entitled to state aid to forward annual financial statement to Compt. 3§  
'06 ch.746, 9 Ap

1838

### Horticultural societies

- a **Md.** Amdg. '00 ch.215 §2, 3, 6, 7 rel. to Md. State Horticultural Society: \$2000 [\$1000] annual appropriation. 4§ '06 ch.387, 9 Ap

1839

### Poultry associations

- a **Md.** Amdg. C.'04 art.23 §16: provision for incorp. of poultry ass'ns. 1§  
'06 ch.722, 3 Ap

1840

### State associations and fairs

- a **Ky.** Rev. '02 ch.112 rel. to State Fair: management by *Bd of Agric., Forestry and Immigration* [Ky. Livestock Breeders' Ass'n]; location of permanent site; appropriation. 7§ '06 ch.99, 21 Mr  
b **Miss.** Conditional lease of old Capitol and grounds to Miss. Industrial Exposition Co. for state fair purposes. 2§  
'06 ch.147, 14 Ap

1844

### Horticulture. Diseases and pests

*See also 1492, Insecticides; 1496, Seeds; 1630, Encouragement of industries*

- a **Ia.** To encourage forest and fruit tree culture; fruit tree reservations, 1 to 5 acres, to be taxed at \$1 an acre for 8 years after planting; county auditor to record reservations and report annually to sec. of State Horticultural Society. 14§ '06 ch.52, 10 Ap  
b **Ia.** Amdg. C. §2575c-f: imported nursery stock to bear inspection certificate stating it to be free from *insect pest* [scale] and *plant disease*; unlawful sale. 3§ '06 ch.112, 5 Ap  
c **Md.** Amdg. C.'04 art.48 §54-56, 66 and adding §55A rel. to State Horticultural Dep't: duties, powers and salary of State Horticulturist; \$12,000 [\$8000] annual appropriation. 5§ '06 ch.509, 9 Ap

1849

### Injury. Trespass

- a **Ky.** Felony to take or destroy tobacco plants growing in bed. 1§  
'06 ch.33, 16 Mr

1850

### Moths

- a **Mass.** Amdg. '05 ch.381 §3-7, 11 rel. to suppression of gipsy and brown tail moths: sup't may with approval of Gov. regulate operations by city, town or individual; auditing of local expenditures required for reimbursement by state. 6§ '06 ch.268, 10 Ap  
b **R. I.** Com'r to be appointed by Gov. to suppress and exterminate the gipsy and brown tail moth; \$5100. '06 r.38, 20 Ap

1854

## Weeds

- a Ill. Declaring unconst. '03 p.87 authorizing levy of assmts. for destruction of noxious weeds, against owner of land in townships in which Bd of Town Auditors has been abolished. Imposes an unequal tax and not based upon valuation.

People v. Bd of Com'rs 77 N. E. 914 (1906)

- b Mich. "An act to provide for the destruction of noxious weeds in the city of Detroit." 8§ '05 (special acts) ch.584, 1 Je

- c Tex. Declaring invalid '01 ch.117 prohibiting ry. companies from permitting Johnson grass or Russian thistles from going to seed on right of way and providing penalty, in so far as it authorizes recovery of damages. Defective title.

Gulf, C. & S. F. Ry. Co. v. Stokes 91 S. W. 328 (1905)

1856

## Noxious animals. Bounties

1860

### Foxes

- a N. J. Amdg. '02 ch.112 §3 rel. to bounty on foxes: county may be exempted by  $\frac{2}{3}$  vote of bd of freeholders. 1§ '06 ch.320, 22 Je

1875

## Domestic animals

*See also* 891, Racing; 896, Cruelty to animals; 961, Milk and milk products; 1083, Slaughter houses; 1144, Communicable diseases of animals; 1526, Stock yards; 1588, Veterinary practice

1876

## Running. Impounding. Fences

1877

### Running at large

- a Ky. Amdg. S.'03 §3637: council of city of 5th class may prohibit stock from running at large. 1§ '06 ch.43, 16 Mr

Fences, *see* 387

1882

## Ownership. Sale. Miscellaneous

- a Ark. In counties having 2 separate judicial districts record for marks, brands and posting of stray animals to be kept at each county site. 2§ '05 ch.108, 23 Mr

1885

### Breeding. Pedigrees

- a Ia. Amdg. and supplementing C. §2341-42 rel. to registration and publication of pedigrees of blooded stock. 5§ '06 ch.98, 10 Ap

1888

### Dogs

- a N. J. Borough council may appoint person to kill unmuzzled dogs running at large. Amds. '89 ch.65 §1, 2. 2§ '06 ch.259, 17 My

## FORESTRY

1889

### *Dog tax*

- a **Ky.** Rev. '86 ch.1228 providing for taxation of dogs. 10§  
'06 ch.10, 1 Mr
- b **N. Y.** Amdg. county law '92 ch.686 §128-29, 131, 133 rel. to registration of dogs: adoption by county; not to apply to any town separately except on written application of town bd; registration fee to be uniform; seizure of dogs not tagged or registered. 4§  
'06 ch.212, 12 Ap
- c **O.** Amdg. R.S. §2833: dog tax to be levied on real estate on which dog kept; penalty against assessor for failing to list dogs. 3§  
'06 p.87, 19 Mr
- d **S. C.** Amdg. '04 ch.272 §1, 7: annual dog tax to be expended for school purposes in *school district* [county] where collected; listing of dogs. 2§  
'06 ch.12, 2 F

1890

## Forestry

*See also 1598, Arbor day; 2742, Roads*

- a **Ky.** Creating State Bd of Agric., Forestry and Immigration: powers and duties. 14§  
'06 ch.90, 21 Mr
- b **Md.** "An act to establish State Bd of Forestry and to promote forest interests . . ." 17§  
'06 ch.294, 5 Ap
- c **N. Y.** Amdg. forest, fish and game law '00 ch.20 §154, 172, 224a: Forest, Fish and Game Com'r may appoint sec.; salaries of subordinate officers. 3§  
'06 ch.206, 12 Ap
- d **O.** Rep. '85 p.135: Dep't of forestry to be established at Ohio Agricultural Experiment Station at Wooster and subject to its bd of control; abolishing State Forestry Bureau connected with State Univ. at Columbus; biennial report by bd to Leg. Adds R.S. §409aa-dd. 5§  
'06 p.54, 17 Mr
- e **R. I.** Creating office of Com'r of Forestry; powers and duties; to circulate information rel. to fire protection and reforestation; annual report to Leg. 4§  
'06 ch.1322, 6 Ap

1892

### Bounty. Exemption

- a **Ia.** To encourage forest culture: forest reservations of two or more acres to be taxed at \$1 an acre; county auditor to record reservations and report annually to sec. of State Horticultural Society. 14§  
'06 ch.52, 10 Ap

1893

### Forest fires

*See also 1322, Railroads*

- a **N. J.** "An act for appointment of fire wardens, prevention of forest fires and repeal of sundry acts . . ." 18§  
'06 ch.123, 18 Ap
- b **N. Y.** Amdg. forest, fish and game law '00 ch.20 §224a: salary of forest fire inspectors \$900 [\$600]. 1§  
'06 ch.519, 21 My

1894

### Forest preserves

*See also 798, State parks*

- a **N. J.** State Bd of Forest Park Reservation Com'rs may contract with municipality or individual for control and management of land for forest culture. 1§ '06 ch.25, 24 Mr
- b **N. J.** Amdg. '05 ch.47 §8 rel. to action to establish forest reservation: Bd of Forest Reservation Com'rs may *fix price of land to be acquired and enter into contract for purchase* [condemn land]; terms of contract; searches. 1§ '06 ch.46, 27 Mr
- c **N. J.** Municipality may use lands for forestry purposes and enter into contracts with State Bd of Forest Park Reservation Com'rs for management of lands. 2§ '06 ch.136, 20 Ap
- d **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.7 §7 rel. to forest preserve: Leg. may authorize removal of dead timber for reforestation; also sale of lands outside Adirondack park and Catskill park; proceeds to be used for purchase of lands within parks; regulations. Not repassed by Leg. of 1906. '04 p.1934, 9 Ap
- e **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.7 §7: Leg. may authorize construction of water storage dams in forest preserve for public purposes. '06 p.1895, 3 My

1896

### Lumber

*See also 777, Public lands*

1899

### Transportation

*See also 1264, Common carriers*

- a **Wash.** Amdg. Const. 1889 art.2 §1 making use of water for removal of timber products a public use. 4§. Rejected Nov. 1906. '05 ch.67, 3 Mr

1900

## Game and fish

- a **Md.** Joint leg. committee of 2 senators and 3 delegates to confer with Pa. com'n rel. to propagation and protection of food fishes in Susquehanna river; report to Leg. of 1908; \$2000. 3§ '06 ch.281, 9 Ap; '06 p.1427, 12 Mr
- b **Mass.** To protect property used by Com'rs of Fisheries and Game in making scientific investigations. 1§ '06 ch.327, 28 Ap
- c **N. Y.** Amdg. forest, fish and game law '00 ch.20 §170: 65 [50] game protectors to be appointed. 1§ '06 ch.69, 15 Mr
- d **N. Y.** Amdg. forest, fish and game law '00 ch.20 §154, 172, 224a: Forest, Fish and Game Com'r may appoint sec.; salaries of subordinate officers. 3§ '06 ch.206, 12 Ap
- e **O.** Amdg. R.S. §6968 subdiv.2 rel. to fishing in Lake Erie: license for net fishing; spring and fall fishing seasons; disposition of license fees. Rep. subdiv.5-6. 2§ '06 p.257, 2 Ap
- f **R. I.** Amdg. '02 ch.1007: salary of sec. of Com'rs of Inland Fisheries \$750 [\$600]. 2§ '06 ch.1334, 18 Ap
- g **R. I.** Amdg. G.L. ch.171 §27: fish not to be taken from pond or stream stocked by state *within 3 years*; number of hooks allowed on single line; number of lines, in fishing through ice. 2§ '06 ch.1344, 19 Ap

## GAME AND FISH

1900

- h S. C.** To regulate taking, sale, export and canning of shellfish, shad and sturgeon; licenses; lease of public lands suitable for cultivation; \$6000 annual appropriation. 38§ '06 ch.60, 23 F
- i Va.** Amdg. C. §2108 rel. to unlawful fishing: county supervisors may permit taking of mountain trout by hook and line; injury to fish boxes or eggs. 1§ '06 ch.182, 14 M

1904

### Enforcement. Fines

For game wardens *see* 1900

- a Mass.** Ferrets used to take game birds, waterfowl, hare or rabbit in violation of R.L. ch.92 §11 to be confiscated. 1§ '06 ch.241, 5 Ap
- b Mo.** Declaring unconst. '05 p.158, gen. game and fish law, in so far as it provides for the disposition of fines and penalties. Violates art.11 §8 of state Const. State v. Warner 94 S. W. 962 (1906)
- c N. Y.** Amdg. forest, fish and game law '00 ch.20 §185: Forest, Fish and Game Com'r may employ counsel to prosecute or defend actions under law. 1§ '06 ch.199, 12 Ap
- d Va.** Amdg. C. §2168 rel. to disposal of fines collected for violation of oyster law. '06 ch.9, 9 F

1906

### License to hunt or fish

- a La.** Deer and fish protected; hunters license for nonresident and unnaturalized foreigners. 17§ '06 ch.121, 9 J1

1907

### Shipment and sale. Purpose of taking. Amount

- a Ark.** Amdg. S.'04 §3618 prohibiting possession for sale of certain game: racoons and opossums excepted. 2§ '05 ch.42, 16 F

1908

### Trespass. Private lands. State waters

- a Col.** Declaring unconst. portion of '03 ch.112 §3 §7 providing that public shall have right to fish in streams stocked at public expense subject to actions for trespass. Takes property without due process of law and conflicts with acts of Cong. Hartman v. Tresise 84 P. 685 (1905)
- b Ia.** Amdg. C. §4821: trespass to hunt on islands in navigable streams bordering on state when warning notices have been posted. 1§ '06 ch.160, 26 F
- c N. J.** Msdr. to take or willfully injure nets in Atlantic ocean within state jurisdiction. 2§ '06 ch.271, 18 My

1909

## Game

General laws are put under 1900. *See also* 1856, Noxious animals

1913

### Big game

1919

#### Deer

- a La.** Deer and fish protected; hunters license for nonresident and unnaturalized foreigners. 17§ '06 ch.121, 9 J1
- b N. J.** Amdg. '03 ch.246 §16: deer not to be taken for 3 [2] years; after 1009 year's catch limited to 1 deer. 1§ '06 ch.317, 19 Je

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1919

- c N. Y. Amdg. forest, fish and game law '00 ch.20 §2: close season for wild deer Nov. 16-Sept. 30 [Aug. 31]. 1§ '06 ch.191, 11 Ap
- d N. Y. Amdg. forest, fish and game law '00 ch.20 §4, 8: wild deer or venison not to be possessed or sold from Nov. 25-Sept. 30 [Nov.21-Aug. 31]; transportation. 2§ '06 ch.478, 17 My

1927

Small game

- a La. Close season for otter, beaver, mink, racoon and opossum Mar. 1 to Nov. 15; exception. 4§ '06 ch. 79, 5 JI

1939

Rabbit. Squirrel

- a Ark. Amdg. S.'04 §3620: rabbits may be shipped in bunches or open crates from state. 2§ '05 ch.37, 14 F

1944

Birds

1947

Game birds

1948

CLOSE SEASON

- a La. Amdg. '04 ch.126 §2 and 5 rel. to close season on certain game birds. 2§ '06 ch.199, 12 JI

1949

Anatidae

Waterfowl: swan, goose, duck, brant

- a Mass. Close season for wood or summer duck till Sept. 1911. 2§ '06 ch.274, 12 Ap
- b Mass. Amdg. R.L. ch.92 §4: regulating sealing of black duck, teal and wild duck in possession for cold storage during close season. 3§ '06 ch.301, 23 Ap

1950

Gallinae

Black]game, 'capercaillie,]grouse, partridge or, ruffed] grouse, pheasant, prairie chicken, ptarmigan, quail, sage fowl, wild turkey

- a Ark. Amdg. S.'04 §3611: close season for quail and partridge Mar. 1 [Feb. 15] to Nov. 1. 2§ '05 ch.206, 25 Ap
- b Ky. Prohibiting taking or possession of English ringneck, Mongolian or Chinese pheasants. 1§ '06 ch.26, 16 Mr
- c Mass. Amdg. R.L. ch.92 §4: close season for heath hen, Tympanuchus cupido, till Nov. 1, 1911. 3§ '06 ch.141, 7 Mr
- d Mass. Amdg. R.L. ch.92 §12: ruffed grouse may be trapped [and snared] other than by snare on private grounds from Oct. 1 to Dec 1. 1§ '06 ch.278, 12 Ap
- e Mass. Amdg. R.L. ch.92 §3: regulating sale and sealing of quail in possession of cold storage co. during close season. 3§ '06 ch.303, 23 Ap
- f Mass. Prohibiting sale or possession of prairie chicken. 2§ '06 ch.304, 23 Ap
- g Mass. Close season for male Mongolian, English or golden pheasants same as for quail. '06 ch.482, 14 Je



## FISH

1950

- h S. C. Amdg. Crim.C. §553: close season for wild turkey, partridge, quail, woodcock and pheasant, *Mar. 1 to Nov. 15* [Apr. 1 to Nov. 1]; sale, shipment or trapping by firelight prohibited till Mar. 1911; nonresident to take out annual license to hunt; certain counties excepted. 1§ '06 ch.53, 23 F
- i S. C. Protection of partridge, quail and pheasant: prohibiting netting, trapping, selling or shipping of partridge or quail till Feb. 1, 1912; prohibiting taking of Mongolian pheasant till Jan. 1, 1910; annual hunting license required from nonresidents. 4§ '06 ch.54, 21 F

1952

### *Shore birds*

Woodcock, plover, snipe, sandpiper, curlew

- a Va. Amdg. C. §2070a rel. to preservation of game birds: excepting black breast, green head and white plover, and robin snipe from close season for plover and snipe. 1§ '06 ch.237, 15 Mr

1953

### Other than game birds. Song and insectivorous. Plume

*See also 1598, Arbor and Bird day*

- a Ia. To protect wild birds other than game birds, and their nests and eggs. 11§ '06 ch.108, 5 Ap
- b La. Rev. '04 ch.48 rel. to protection of birds other than game birds and their nests and eggs: game birds defined; sale of plumage; trespassing on bird breeding island; bird trapping; license to collect for scientific purposes; duty of Sec. of State; destructive birds not protected; penalty; Bird day exercises in schools. 15§ '06 ch.198, 12 Jl

1954

### *Doves.- Pigeons*

- a S. C. Rep. Crim.C. §553 as to close season for dove; certain counties excepted. 1§ '06 ch.53, 23 F

1959

## Fish

General laws are put under 1900

1961

### Fish culture

- a N. Y. Establishing State Fish Hatchery on Hudson river for propagation of shad and bass; selection of site by Forest, Fish and Game Com'r; \$5000. 2§ '06 ch.677, 31 My

1963

### Fishways

- a Ky. Owner of dam, where annual tide in stream insufficient to admit passage of fish, to maintain fish ladder from Apr. to July: application of act. 3§ '06 ch.115, 21 Mr
- b Wis. Misc. amdts. to '05 ch.461 rel. to fishways. 7§ '05 (ex. sess.) ch.16, 19 D

1964

### Close season

- a La. Deer and fish protected: close season; hunters license for nonresident and unnaturalized foreigners. 17§ '06 ch.121, 9 Jl
- b Mass. Amdg. R.L. ch.91 §62, 63: close season for trout, landlocked salmon and lake trout *Aug. 1* [Sept. 1] to Apr. 15. 3§ '06 ch.314, 24 Ap

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1964

- c N. Y. Amdg. forest, fish and game law '00 ch.20 §156: Forest, Fish and Game Com'n may, on request of town bd of town in which fish placed at expense of state, prohibit or regulate taking of fish from [public] inland waters for 5 years. 1§  
'06 ch.241, 16 Ap; '06 ch.409, 11 My

1966

**Special methods of fishing**

- a O. Possession of certain fishing devices other than hook and line to be prima facie evidence of possession for unlawful use. 1§  
'06 p.197, 2 Ap

1971

*Scining. Nets*

- a O. Amdg. R.S. §6968 subdiv.3 regulating mesh of fishing nets. 2§  
'06 p.216, 2 Ap

1973

*Explosives. Chemicals. Electricity*

- a O. "An act to prohibit destruction of fish by . . . explosives and poisonous substances." 1§  
'06 p.250, 2 Ap

1974

**Special kinds of fish**

1977

**Bait minnows**

- a Mass. Shiners for bait may be taken in certain nets. 2§  
'06 ch.239, 5 Ap

1978

**Bass**

- a R. I. Amdg. G.L. ch.174 §9 rel. to taking of black bass: close season Mar. 1 to July 1; minimum length 8 inches. 2§  
'06 ch.1343, 19 Ap

1984

**Pickarel. Pike**

- a Mass. Prohibiting catching, transportation and sale of pike perch from Feb. 1 to June 1. 3§  
'06 ch. 179, 20 Mr

1992

**Sturgeon**

- a Ga. Rep. '01 p.83 §2 which prohibited taking sturgeon with seine. 2§  
'06 p.125, 20 Ag

1996

**Trout**

- a Mass. Close season for trout till Apr. 8, 1909; artificially reared trout excepted. 2§  
'06 ch.263, 9 Ap

2000

**Shellfish. Miscellaneous**

- a Mass. Com'rs on Fisheries and Game to investigate methods of commercial propagation of scallops and lobster; \$1500 annual appropriation for 3 years. '06 r.74, 24 My

2001

STATE DEPARTMENT

- a Md. Com'r of Land Office to have custody of books, papers etc. of Bd of Shellfish Com'rs; additional salary \$50 a month. Adds C. '04 art.54 §15A. 1§  
'06 ch.412, 9 Ap

## FISH

2007

### Clams

- a R. I. Prohibiting taking of quahaugs under 1½ inches in diameter. 1§ '06 ch.1369, 20 Ap

2008

### Crabs

- a Md. Close season for hard shell crabs, Nov. 1 to May 1. 5§ '06 ch.148, 23 Mr

2011

### Oysters

- a La. Amdg. oyster law '04 ch.52 §5-7, 9, 10, 13, 15-17, 19, 21, 25: salaries of com'n; \$45,000 [\$35,000] for expenses of com'n; collection of privilege tax; leases; rent; cancelation of leases where natural reef exists; close season; use of dredges; license fee; natural reef defined. 12§ '06 ch.178
- b Md. Generally amdg. C.'04 art.72 §68-73, 77, 78 rel. to inspection of oyster industry. 9§ '06 ch.188, 30 Mr
- c Md. "An act to regulate taking of oysters in Potomac river"; to take effect on passage of concurrent legislation by Va. 2§ '06 ch.468, 5 Ap
- d Md. State to control oyster-producing territory under direction of Bd of Shell Fish Com'rs; cooperation of U. S. Coast and Geodetic Survey. Adds C.'04 art.72 §83-119. 38§ '06 ch.711, 2 Ap
- e Md. Rep. C.'04 art.72 §9, 64 rel. to taking of oysters in Potomac river. 1§ '06 ch.758, 5 Ap
- f Miss. Generally amdg. '02 ch.58 §3, 7-9, 11, 12, 14-17, 20 and rep. §24, 31 regulating oyster industry: dredging of reefs and planting of oysters; standard measure; \$15,000 [\$12,000] annual appropriation. 16§ '06 ch.133, 12 Ap
- g Va. Amdg. C. §2148 regulating taking of oysters: patent tongs; penalties. 1§ '06 ch.150, 10 Mr
- h Va. Amdg. C. §2154 rel. to unlawful taking of oysters; larceny defined; penalties. 1§ '06 ch.205, 14 Mr
- i Va. To prohibit use of "drag boxes" or receptacles for oysters that are drawn over natural beds. 3§ '06 ch.207, 14 Mr

2012

#### STATE DEPARTMENTS. OFFICERS

- a N. J. Amdg. '01 ch.73 §2: \$4000 [\$2000] to be annually appropriated for use of State Oyster Com'n. 1§ '06 ch.35, 26 Mr

2015

### *Minimum size*

- a Md. Amdg. C.'04 art.72 §7 and adding §8A: oysters to be culled on natural bar *before thrown into boat*; msdr. to transport unmerchantable oysters. 2§ '06 ch.439, 3 Ap

2017

### Scallops

- a Mass. Amdg. R.L. ch.91 §84: penalty for taking [seed] scallops under 2 inches in diameter. 1§ '06 ch.288, 14 Ap

2019

### Terrapin

- a N. J. "An act for the protection of . . . diamond-backed terrapin . . ." 9§ '06 ch.63, 30 Mr

2020

## Mines and mining

*See also* 500, Corporations. For labor in mines *see* 2040, Labor

- a **Ark.** Owners of coal and other mineral lands may own and operate short lines of ry. necessary for mining and marketing products. 6§ '05 ch.163, 13 Ap; '05 ch.268, 6 My

2031

### *Ore analysis*

- a **Va.** Rep. C. §1897-98: abolishing office of State Assayer and Chemist, created by '73 ch.146 to analyze soils and assay ores and metals. 1§ '06 ch.27, 17 F

2035

### **Petroleum. Gas**

*See also* 1493, Petroleum products (inspection); 1647, Encouragement of industries

2036

### *Pipe lines*

- a **Ark.** Mineral oil or natural gas corp. to have right of eminent domain for construction of pipe lines; procedure; injury to pipes. 4§ '05 ch.228, 2 My
- b **La.** Pipe lines declared to be common carriers and placed under supervision of railroad com'n. 3§ '06 ch.36, 29 Je
- d **La.** Amdg. R.S. §1479 rel. to expropriation of private lands for public purposes: expropriation for natural gas pipe line companies. 3§ '06 ch.208, 12 J1
- c **La.** Granting to oil and gas pipe line co. agreeing to be common carrier, right of eminent domain and right to use streets and public places with consent of property owners. 7§ '06 ch.39, 29 Je

2037

### *Waste of oil and gas. Plugging wells*

- a **Ark.** Abandoned natural gas or oil well to be plugged; interference with gas wells, pipes etc. prohibited. 5§ '05 ch.242, 6 My
- b **Ky.** To prevent flooding and destruction of oil and gas under lands of another; plugging. 3§ '06 ch.47, 17 Mr
- c **La.** Regulations to prevent waste of natural gas: injuring pipe lines; plugging abandoned wells; penalty. 6§ '06 ch.71, 4 J1

2040

## Labor

*See also* 354, Convict labor; 1099, Buildings, sanitation and safety

- a **Ia.** Amdg. C. §2469-70: term of Com'r of Labor Statistics to commence Apr. 1 in odd [even] numbered years; biennial report to be made in even years. 2§ '06 ch.102, 10 Ap
- b **Ky.** Rev. and supplementing '02 ch.16 rel. to child employment: safety appliances; toilet rooms and seats; application of act. 13§ '06 ch.52, 17 Mr
- c **La.** Amdg. Const. 1898 art.210 to make women eligible for factory inspector. 1§. Adopted Nov. 1906. '06 ch.13, 22 Je

## LABOR

2040

- d **La.** Exits and stairways of factories: sanitary surroundings; seats for women; employment of women and children; appointment of factory inspectors by cities and towns. Rev. '86 ch.43. 11§  
'06 ch.34, 29 Je
- e **Mass.** Specifying contents of annual statements to be submitted by cities and towns to Bureau of Statistics of Labor. 3§  
'06 ch.296, 21 Ap
- f **N. Y.** 8 hours to be legal day's work; state, mun. corp. or public contractor to permit employees to work but 8 hours, and to pay prevailing rate of wages in same industry; enforcement; application of act. Reenacts '97 ch.415 §3 in part declared unconst. *People v. Grout*, 72 N. E. 464 (1904) and *People v. Coler*, 59 N. E. 716 (1901). 1§  
'06 ch.506, 19 My
- g **Va.** Amdg. '98 ch.863 §3, 4 rel. to Com'r of Labor Statistics: term 2 years; enforcement. 2§  
'06 ch.55, 27 F

2049

### Health of employees

- a **Mass.** "An act to provide for . . . sanitary conditions in foundries." 2§  
'06 ch.250, 5 Ap

2051

### *Dust and gases*

- a **N. Y.** Amdg. labor law '97 ch.415 §81 requiring exhaust fans for machinery creating dust: requirement discretionary with Com'r of Labor in case of woodworking machinery. 1§  
'06 ch.366, 10 My

2053

### Bakeries and confectioneries

*See also 1008, Confectionery*

- a **N. Y.** Amdg. labor law '97 ch.415 §111, 114 rel. to bakeries and confectioneries: bakery to include macaroni bakery; drainage and plumbing; enforcement; sealing of cooking apparatus till premises made sanitary. 2§  
'06 ch.401, 10 My

2063

### Mines

*See also 2020, Mines and mining*

- a **Ark.** Amdg. and supplementing S.'04 §5337, 5346-47, 5350, 5354, 5356 rel. to inspection and operation of coal mines: act to apply to mines employing 10 [20] or more men underground. 19§  
'05 ch.225, 1 My
- b **Ky.** To increase efficiency of inspection of coal mines; inspection districts; appointment by Gov. of 2 assistant inspectors at \$1200 each; inspection of miner's scales and oil. 10§  
'06 ch. 108, 21 Mr
- c **N. Y.** Amdg. Pen. C. §384g: inspection of tunnels by Com'r of Labor. 1§  
'06 ch.521, 21 My

2064

### *Health and comfort of employees*

- a **Ill.** Declaring unconst. '03 p.252 requiring owners or operators of coal mines to provide washrooms for minors, to be available also for drying clothes. Special legislation.

*Starne v. People* 78 N. E. 61 (1906)

N. Y. STATE LIBRARY INDEX OF LEGISLATION 1906

2066

*Safety of employees*

- a **N. Y.** Regulation of mines and quarries: traveling way; to be cut around bottom of shaft; notice of opening and abandonment to be given to Com'r of Labor. Adds §130-33 to labor law '97 ch.415. 4§ '06 ch.375, 10 My
- b **O.** "An act to prevent explosion of dust-charged air and gas in mines." 3§ '06 p.169, 31 Mr

2077

**Railways**

2078

*Health of employees*

- a **Ark.** Railroad to prepare shelter for person employed in repair or construction of ry. equipment during inclement weather. 3§ '05 ch.233, 1 My

2079

VESTIBULES

- a **O.** Amdg. '93 p.220 §1: forward vestibule on electric street car to be heated from Nov. to Apr. 2§ '06 p.5, 9 F

2080

*Safety of employees*

- a **O.** Railroad companies to equip locomotives with self-cleaning ash dump pans; engineer or fireman not to be compelled to go under locomotive to remove ashes except in emergency. 3§ '06 p.46, 14 Mr

2082

**Sweat shops**

- a **N. Y.** Amdg. labor law '97 ch.415 §100: tenement house not to be used for manufacture of articles of rubber, macaroni, ice cream, candy, nuts or preserves without license; special permit allowed for high grade apartment shops; law not to apply to certain shops on ground floor. 1§ '06 ch.129, 3 Ap
- b **N. Y.** Defining tenant factories: landlord to be responsible for proper sanitation and plumbing and structural conditions as in tenement houses; articles exposed to contagion to be labeled unclean; label not to be removed till premises made sanitary. Adds §94-95 to labor law '97 ch.415. 2§ '06 ch.178, 10 Ap
- c **N. Y.** Amdg. labor law '97 ch.415 §102: Com'r of Labor *may* [shall] label goods unlawfully manufactured in tenement houses and seize same until disinfected. 1§ '06 ch.275, 19 Ap

2085

**Hours**

*See also 2113, Employment*

- a **Ark.** Legal day's work for persons operating or constructing saw and planing mills, 10 hours. 4§ '05 ch.49, 23 F
- b **Mass.** Resolution favoring amdt. to U. S. Const. enabling Cong. to enact laws regulating hours of labor. '06 p.845, 28 F

2096

**Public work**

- a **Mass.** 8 hours, maximum day's work, or 48 hours a week where Saturday half holiday allowed for employees of state, county or city or town accepting provisions of R.L. ch.106 §20. 6§ '06 ch.517, 22 Je

## LABOR

2097

### Railways

- a **Md.** Railroad to allow telegraph or telephone operators who space trains by block system to work but 8 hours in 24; application of law. Adds C.'04 art.23 §300A-D. 4§ '06 ch.454, 3 Ap

2100

### Wages

*See also 419, Mechanics liens; 451, Exemption from execution; 742, Garnishment*

2101

### Assignment

- a **Ia.** Amdg. C. §3047: assignment of wages by head of family must be by written instrument signed by husband and wife if married and acknowledged before notarial officer; prior notice of assignment to employer to have precedence. 1§ '06 ch.148, 5 Ap
- b **La.** Assignment of wages not binding on employer without his written consent. 2§ '06 ch.5, 15 Je
- c **Md.** Assignment of wages: time limit, 6 months; lender to give notice to employer of assignment; agreement to be signed by husband and wife, if married, and acknowledged before justice of peace; interest charge limited to 6%; Court of Equity may perpetually enjoin enforcement, not duly executed. Adds C.'04 art.8 §11-18. 8§ '06 ch.399, 3 Ap
- d **Mass.** Assignment of wages: period not to exceed 2 years; to be made only to secure debts contracted prior to or simultaneously with execution; standard form; copy to be delivered to employer. 6§ '06 ch.390, 15 My
- e **Va.** To regulate business of loaning money on wages and salaries or of purchasing same; license tax. 10§ '06 ch.156, 12 Mr

2103

### *Mode of payment: money, company stores, certificates*

- a **Ark.** Msdr. to pay wages by scrip not redeemable in money or to compel purchase of supplies in payment of wages; liability for sale of goods at unreasonable price; coal mines employing less than 20 men underground excepted. 4§ '05 ch.143, 5 Ap
- b **N. Y.** Amdg. labor law '97 ch.415 §9 rel. to cash payment of wages: corp. or person engaged in public work as contractor or subcontractor to pay in cash; such employer not to conduct co. store if store exists within 2 miles of place of work. 1§ '06 ch.316, 24 Ap

2104

### *Period of payment*

- a **Ark.** Amdg. S.'04 §6649: wages due employee on discharge by any [railroad] corp. to be paid within 7 days. 2§ '05 ch.210, 24 Ap
- b **Mass.** Amdg. R.L. ch.106 §62: employees of county to be paid weekly. 1§ '06 ch.427, 26 My

2107

### Mines

2110

### *Weighing and screening coal*

- a **Ark.** Msdr. for operator of coal mine employing 10 men underground at bu. or ton rates to screen or decrease amount of coal before weighing. 2§ '05 ch.219, 1 My

2113

# Employment

- a N. J. Com'n appointed by '05 ch.94 to revise laws on master and servant, to report to Leg. of 1907 [1906]. 1§

'06 ch.110, 12 Ap

2113(5)

## Contracts

- a Ark. Amdg. S.'04 §5030: person inducing laborer or renter to break contract or lease to be fined from \$25 to \$100 [guilty of msdr. and fined from \$20 to \$200] and be liable for advances made and damages [in double amount of damages]. 2§

'05 ch.298, 6 My

- b La. Rev. '92 ch.50: violation of contract by share hand; inducing to quit; false arrest; penalties not to apply to farming contract for longer than 1 year. 4§

'06 ch.54, 2 Jl

2114

## Employment offices. Emigrant agents

- a N. Y. Generally amdg. '04 ch.432 rel. to employment agencies; limiting application to cities of 1st [and 2d] class. 10§

'06 ch.327, 27 Ap

- b N. Y. Regulating employment agencies in cities of 2d class where fees are charged for procuring employment. 9§

'06 ch.328, 27 Ap

2115

## Free employment bureaus

- a Mass. Chief of Bureau of Statistics of Labor to establish free employment offices in certain cities with approval of Gov. and Council; semiweekly reports from sup't of office to chief; printing and exchange of employment list; appropriation. 8§

'06 ch.435, 31 My

- b N. Y. Rep. labor law '97 ch.415 §40-43: abolishing free public employment bureau in city of 1st class. 2§

'06 ch.158, 6 Ap

2117

## Women

- a La. Regulating employment of children and women in cities and towns of 10,000 rel. to age, hours of labor, sanitary surroundings etc. Rev. '86 ch.43. 11§

'06 ch.34, 29 Je

2118

## Children

See also 2172, Children (dependent and neglected); 2270, Compulsory attendance

- a Ga. Children under 10 not to be employed in factories, or under 12 unless necessary for own or parents' support; under 14 not to work between 7 p. m. and 6 a. m.; under 14 must be able to write and have attended school 12 weeks preceding year; between 14 and 18 to attend school 12 weeks each year; parents affidavit to be filed with employer; penalties. 8§

'06 p.98, 1 Ag

- b Ia. To regulate employment of child labor. 7§

'06 ch.103, 10 Ap



## LABOR

2118

- c Ky. Rev. and supplementing '02 ch.16 rel. to child employment. 13§ '06 ch.52, 17 Mr
- d La. Regulating employment of children and women in cities and towns of 10,000 rel. to age, hours of labor, sanitary surroundings etc. Rev. '86 ch.43. 11§ '06 ch.34, 29 Je
- e Md. Amdg. C.'04 art.100 §4 and adding §5-12 regulating employment of minors. 11§ '06 ch.192, 30 Mr
- f Mass. Provisions of R.L. ch.65 §17 restricting peddling, hawking and bootblacking by minors under 14, extended to *all cities* [Boston]. 1§ '06 ch.151, 9 Mr
- g Mass. Employment of minors: ability to read and write simple English, required as prerequisite by '05 ch.267, construed to mean in 1906 admission to 2d grade, in 1907, 3d grade, 1908, 4th grade of school in place of residence; minors may work on Saturday from 6 a. m. to 7 p. m. in mercantile establishments. 2§ '06 ch.284, 14 Ap
- h Mass. Amdg. and supplementing R.L. ch.106 §33 rel. to employment of minors: enforcement; increased powers of truant officers; jurisdiction. 6§ '06 ch.499, 20 Je
- i N. Y. Amdg. labor law '97 ch.415 §77, 161-62: minors under 16 may not work in factories after 7 p. m. [9 p. m.]; in *cities of 1st class* not to be employed in mercantile establishment, office, restaurant, hotel or apartment house, or transmission of merchandise or messages after 7 p. m. [10 p. m.]; children 12 to 14 may work in vacation in cities of 1st and 2d class, factories excepted. 3§ '06 ch.490, 17 My

2119

### Mines

- a O. Msdr. to employ coal miner to work unaccompanied having less than year's practical experience. 2§ '06 p.259, 2 Ap

2120

### Women

- a N. Y. Women not to be employed in mines or quarries. Adds §133 to labor law '97 ch.415. 4§ '06 ch.375, 10 My

2121

### Children

- a N. Y. Child under 16 not to be employed in mines or quarries. Adds §133 to labor law '97 ch.415. 4§ '06 ch.375, 10 My

2125

### Employers liability. Insurance

*See also 1732, Insurance; 1762, Industrial insurance*

- a Mass. Amdg. R.L. ch.106 §72: on death of employee damages may be recovered for conscious suffering resulting from injury. 1§ '06 ch.370, 8 My
- b N. Y. Amdg. labor law '97 ch.415 §87: *death*, accident or injury in factory to be reported to Com'r of Labor; report not to be used as evidence in action arising out of death or injury. 1§ '06 ch.216, 12 Ap

**2126 Railroads**

- a N. Y. Railroad corp. or receiver liable for injury to employee caused by negligence of officer or employee or person entrusted with superintendence or power to direct any employee, or person in charge of switch, signal locomotive, car, train or telegraph office; liability for defect of machinery; contracting out illegal. Adds §42a to railroad law '90 ch.565. 1§ '06 ch.657, 29 My

**2137 Blacklisting. Membership in unions**

- a Ark. Prohibiting blacklisting of employees. 1§ '05 ch.214, 27 Ap
- b N. Y. Declaring unconst. '87 ch.688 prohibiting any person from making the employment of another conditional on the employee not becoming a member of a labor organization. Abridges right to contract. People v. Marcus 77 N. E. 1073 (1906)

**2140 Charities**

*See also 60, State institutions; 335, Corrections; 583, Corporations not for profit; 1761, Fraternal beneficiary societies*

**2142 State boards and officers**

- a Ark. Amdg. S.'04 §4129: Bd of Trustees of State Charitable Insts. to be composed of 7 [6] members. 2§ '05 ch.47, 23 F
- b Ark. Amdg. S.'04 §4132: salary of sec. of Bd of Trustees of State Charitable Insts. \$1800 [\$1200]. 2§ '05 ch.101, 23 Mr
- c Ky. Creating State Bd of Control for Charitable Insts.: abolishing institutional bds of state hospitals for insane and Feeble-minded Institute; powers and duties; annual report to Gov. 33§ '06 ch.18, 9 Mr

**2143 State institutions (general)**

- a Mass. Inmates of inst. under supervision of State Bd of Charity may correspond with bd without intervention of sup't. 1§ '06 ch.341, 30 Ap

**2144 Local boards, officers and institutions**

- a N. J. City sup't of indoor relief to be appointed by mayor with consent of council. 3§ '06 ch.151, 24 Ap
- b O. Amdg. R.S. §633 subdiv.15-17 rel. to bds of county visitors of local charitable and correctional insts. receiving public aid: appointment; vacancies; compensation; duties. 5§ '06 p.27, 3 Mr

**2149 Poor relief**

*See also 260, Vagrancy*

**2155 Poorhouses**

**2157 Local institutions**

- a Ia. Amdg. C. §422 subdiv. 20: county supervisors may appropriate \$300 annually for experimental crops on county farm. 1§ '06 ch.13, 21 Mr

## CHARITIES

2157

- b **Md.** Rev. C.'04 art.4 rel. to county almshouses: insts. for county poor to be designated as county houses. 4§ '06 ch.32, 27 F
- c **N. J.** Bd of chosen freeholders may maintain undesirable pauper outside poorhouse. 1§ '06 ch.274, 18 My
- d **N. Y.** Amdg. county law '92 ch.686 §12 subdiv.13: bd of supervisors may adopt name for almshouse. 1§ '06 ch.318, 24 Ap
- e **O.** Amdg. '04 p.33 §1: county com'rs may sell bonds for rebuilding infirmary condemned by Chief Inspector of Workshops and Factories. 2§ '06 p.187, 31 Mr

2159

### Public calamity

- a **N. Y.** Appropriating \$250,000 for relief of earthquake sufferers in Cal. 2§ '06 ch.297, 24 Ap
- b **R. I.** City councils may appropriate funds for Cal. earthquake sufferers, not exceeding \$5000. 1§ '06 ch.1372, 20 Ap
- c **R. I.** Appropriating \$10,000 for relief of people of state of Cal. '06 r.17, 20 Ap

2160

### Sick and disabled

*See also 1020, Communicable diseases*

2165

### Hospitals

*See also 1023, Hospitals for contagious diseases; 1042, Tuberculosis hospital*

2166

### State hospitals

- a **Miss.** Amdg. '04 ch.112 §2: salary of surgeon of State Charity Hospital at Vicksburg \$2500 [\$150 a month]. 1§ '06 ch.136, 18 Ap

2168

### Local hospitals

- a **Ia.** City of 12,500 may construct and maintain hospital; bond issue on majority vote of electors; city of 2d class may incur debts exceeding 1¼% of valuation for hospital purposes on ¾ vote of electors. 8§ '06 ch.22, 9 Ap
- b **Mon.** Declaring unconst. '01 p.80 §25 authorizing bd of county com'rs to build detention hospital. Subject not expressed in title. *Yegen v. Bd of Com'rs* 85 P. 740 (1906)
- c **N. J.** Amdg. '87 ch.139 §1 rel. to city hospitals: Finance Bd may increase appropriation not exceeding \$1500 [\$2000] to meet deficit for fiscal year. 1§ '06 ch.263, 17 My
- d **O.** Amdg. '02 (ex. sess.) p.20 §219: city council may levy tax to compensate private corp. maintaining public hospital free only to indigent inhabitants of municipality. 2§ '06 p.123, 28 Mr

2171

### Nurses

- a **N. J.** Health authorities in city of 1st class may assign visiting nurses for free dispensary established by '02 ch.199; salary limited to \$75 a month. 3§ '06 ch.255, 17 My

2172

## Children

*See also* 346, Reform schools; 371, Juvenile offenders; 445, Guardianship; 474, Family; 2118, 2121, Employment

- a **Mass.** Amdg. R.L. ch.102 §184: child not to be admitted to place of evening entertainment unaccompanied, on complaint by *police officer* [chief of police]. 1§ '06 ch.107, 21 F
- b **Mass.** Person under 17 not to be admitted to dance hall or roller skating rink unaccompanied by adult from 6 p. m. to 6 a. m.; exceptions. 4§ '06 ch.384, 11 My
- c **N. J.** Amdg. '02 ch.92 §14-16 rel. to care and custody of minors: judge of Court of Common Pleas may have jurisdiction if parents unfit. 3§ '06 ch.84, 6 Ap
- d **Va.** Amdg. '02 ch.591 rel. to care of neglected children: Court of Record or *police justice* may commit to charitable inst.; form of warrant and commitment. 5§ '06 ch.61, 28 F

2174

### Crippled and deformed children

- a **O.** Establishing Inst. for Treatment and Education of Deformed and Crippled Children; com'n of Auditor of State, Gov. and 3 appointees to locate site and erect buildings; managing bd of 6 trustees to be appointed by Gov. and Senate; \$50,000. 8§ '06 p.57, 17 Mr

2175

### Removal from institutions for adults

- a **N. Y.** Amdg. county law '92 ch.686 §92: nursing child under 1 year to accompany mother committed to jail; removal of child after reaching 2 years. 1§ '06 ch.426, 11 My

2179

### Local and private

- a **Ia.** \$2000 annual appropriation for inspection of county and private insts. for insane, and societies and homes for dependent children. 1§ '06 ch.134, 10 Ap

2182

### Placing out. Care of infants

- a **Ia.** Amdg. and supplementing C. §2690: provision for placing out orphans of Ia. Soldiers' Orphans Home by adoption or by contract; removal; earnings of child placed out to be reserved exclusively for child. 4§ '06 ch.127, 5 Ap
- b **Ia.** Amdg. C. §2704: boys and girls committed to State Industrial School may be placed out under contract; stipulations of agreement; removal; prosecution. 1§ '06 ch.128, 5 Ap
- c **Ia.** Bd of Control of State Insts. to appoint state agent for Industrial School and also 1 for Soldiers' Orphans Home [1 agent for said insts. and Industrial School for Girls]; to find homes and employment for inmates on discharge or parole; appropriation. Rep. '04 ch.157. 4§ '06 ch.181, 5 Ap
- d **Md.** "An act to protect infants and young children from being received or boarded in improper homes in the city of Baltimore." 5§ '06 ch.334, 3 Ap

2183

## Defectives

For marriage of defectives *see* 477; *see also* 2220, Education

- a **Md.** Provision for census of physically and mentally defective children, deaf, blind and feeble-minded, between 6 and 16 years, to be taken by principal teacher of every school in counties and truant officers of city of Baltimore, to be furnished to county school com'rs and Baltimore bd of education respectively and forwarded by latter to sup'ts of insts. Amdg. '04 ch.299 §139-41 and adding §139A, 142. 5§ '06 ch.236, 31 Mr
- b **Va.** Establishing Va. State School for Colored Deaf, Dumb and Blind Children; bd of visitors to locate site, direct construction and control management; annual report to Leg. 9§ '06 ch.164, 12 Mr

2184

## Deaf and dumb

- a **O.** Day schools of 3 or more pupils may be established for deaf children of 3 years on petition of district bd to State School Com'r; \$150 per capita allowance; special training of teachers; annual inspection and report to com'r. 7§ '06 p.219, 2 Ap

2186

## State institutions

- a **Ark.** Amdg. S.'04 §4156: state beneficiary in Deaf Mute Institute may remain 13 [10] years. 2§ '05 ch.276, 6 My
- b **Ia.** Amdg. C. §2726 rel. to State School for Deaf at Council Bluffs: certification of expenses of inmates to the several counties; method of payment. 1§ '06 ch.132, 10 Ap

2188

## Blind

- a **Md.** Com'n to be appointed for improving condition of adult blind; to complete census of resident blind stating capacity for educational and industrial training; com'n authorized to furnish tools not exceeding \$50 per capita, and to place blind women in homes, not exceeding \$200 per capita a year; report to Leg. 1908; \$1500 annual appropriation for 1907 and 1908. 4§ '06 ch.290, 5 Ap
- b **Mass.** To provide industrial training and employment for adult blind: creating State Com'n for Blind; annual report to Gov. and council. 8§ '06 ch.385, 11 My
- c **N. Y.** Com'n to be appointed to investigate condition of blind: to prepare register stating capacity for industrial training and support and consider advisability of establishing industrial training schools; report to Leg. by Feb. 1907; \$5000. 6§ '06 ch.671, 31 My

2191

## State institutions

- a **Ia.** Amdg. C. §2717: biennial report of Ia. College for Blind to be made in *even* [odd] numbered years. 1§ '06 ch.131, 30 Mr
- b **Ky.** \$15,000 [\$10,000] annual appropriation for Ky. Institute for Education of Blind. 1§ '06 ch.50, 17 Mr

2193

## Insane

See also 60, State institutions; 446, Guardianship

- a **Ia.** \$2000 annual appropriation for inspection of county and private insts. for insane, and societies and homes for dependent children. 1§ '06 ch.134, 10 Ap
- b **Ky.** Creating State Bd of Control for Charitable Insts.; abolishing institutional bds of state hospitals for insane and Feeble-minded Institute; powers and duties; annual report to Gov. 33§ '06 ch.18, 9 Mr
- c **N. J.** Procedure regulating commitment to state insts. for the insane: confinement therein; nonresidents; insane prisoner; support. 19§ '06 ch.324, 5 Jl
- d **N. Y.** Amdg. insanity law '96 ch.545 §18 rel. to exam. of immigrants: Bd of Alienists to examine alien and nonresident insane in public insts. who are public charges, for purpose of deportation and removal; qualifications, powers and salaries of members of bd. 1§ '06 ch.296, 23 Ap

2198

## State asylums

- a **Ark.** Name of Ark. State Lunatic Asylum to be changed to State Hospital for Nervous Diseases. 2§ '05 ch.15, 3 F
- b **Mass.** Amdg. R.L. ch.87 §4: *estimates of ordinary expenses* of the several insts. to be included in annual report to State Bd of Insanity. 1§ '06 ch.184, 21 Mr
- c **Mass.** Changing name of Northampton Insane Hospital to Northampton State Hospital. 1§ '06 ch.313, 23 Ap
- d **N. Y.** Amdg. insanity law '96 ch.545 §6: State Com'n in Lunacy may permit religious organization to erect building on grounds of State Hospital for holding services for inmates and employees. 1§ '06 ch.107, 23 Mr
- e **N. Y.** Amdg. insanity law '96 ch.545 §15: cost of buildings specially designed for care of curable insane not to exceed \$1000 per capita. 1§ '06 ch.284, 19 Ap

2199

## Institutional boards, officers and employees

- a **N. J.** Bd of managers of N. J. State Hospital at Trenton and at Morris Plains may appoint sec. at salary of \$500. 1§ '06 ch.193, 2 My

2202

## Private asylums

- a **N. J.** "An act to regulate and control private insane . . . insts. . ." 11§ '06 ch.272, 18 My

2203

## Support. Right of admission

- a **Ia.** Amdg. C. §2283 and rep. §2727 subdiv. a28: care and removal of nonresident insane to place of legal settlement or State Hospital for Insane; Bd of Control of State Insts. to direct transfers. 3§ '06 ch.92, 9 Ap

## CHARITIES DEFECTIVES

2203

- b **Ia.** Amdg. C. §2292: expense of care of insane *and of inebriates* in *State Hospital* for Insane *and for inebriates*; certification and payment of county charges. 1§ '06 ch.94, 10 Ap
- c **N. Y.** Amdg. C.C.P. §2341: committee of incompetent to file inventory of ward's property with sup't of state inst. to which ward has been committed. 1§ '06 ch.181, 10 Ap
- d **Va.** To compel support of patients in insane hospitals unless value of estate is less than \$2000 or family is dependent on insane person for support; appointment of special agent by Gov. for collection of claims. 5§ '06 ch.115, 10 Mr

2205

### Inquest. Commitment. Discharge

- a **Mass.** Amdg. R.L. ch.87 §35 rel. to oath of physician in making certificate of insanity. 1§ '06 ch.418, 24 My
- b **Mass.** Amdg. R.L. ch.87 §49: payment of expenses rel. to commitment when insane person is not inhabitant of county from which committed. 1§ '06 ch.471, 9 Je
- c **N. J.** Amdg. '98 ch.130 §1 rel. to commitment of insane person to asylum: certificates of *county* physician and 1 other required. 1§ '06 ch.308, 12 Je
- d **Va.** Amdg. C. §1671 rel. to commitment of insane to State Hospital: disposition of proceedings before Com'n of Lunacy; fees of justices and witnesses. 2§ '06 ch.189, 14 Mr

2206

### Transportation. Transfer

- a **Ia.** Amdg. C. §2287: capture and return of patient escaped from hospital for insane; payment of expenses. 1§ '06 ch.93, 9 Ap

2210

## Epileptics

2213

### State asylums and colonies

- a **Mass.** \$80,000 for construction of women's dep't at Mass. Hospital for Epileptics. 2§ '06 ch.485, 15 Je
- b **Va.** Establishing Epileptic Colony on grounds of Western State Hospital near Lynchburg: managing bd of latter to have supervision; transfer of patients from State Hospitals for Insane; private endowment. '06 ch.48, 20 F

2215

## Feeble-minded

*See also 446, Guardianship*

- a **Md.** Amdg. '94 ch.562 §4: idiotic, imbecile or feeble-minded patients received free of charge at Md. Asylum and Training School for Feeble-minded, to be taken as wards of state subject as to custody and discharge to institutional bd. 1§ '06 ch. 362, 3 Ap
- b **Mass.** Amdg. R.L. ch.87 §116: judicial inquiry as to continuance of inmate of Mass. School for Feeble-minded in school beyond school age, commitment to custodial dep't or discharge. 2§ '06 ch.309, 23 Ap

2215

- c **Mass.** Amdg. R.L. ch.87 §66: idiots of 14 years subject to epilepsy may be received at Mass. Hospital for Epileptics. 1§  
'06 ch.352, 3 My

2218

*State institutions.*

- a **Mass.** Establishing School for Feeble-minded; bd of trustees appointed by Gov. and Council to locate site and direct management under supervision of State Bd of Insanity; provision for school and custodial dep'ts; appropriations. 17§ '06 ch.508, 21 Je

2220

## Education. Science. Culture

*See also* 2184, Deaf and dumb; 2188, Blind

- a **N. Y.** Establishing State Education Building to include State Library and State Museum: Trustees of Public Buildings to acquire site; specifications for construction, not exceeding cost of \$3,500,000, to be submitted by trustees to Leg. of 1907; \$400,000 for site. 7§ '06 ch.678, 31 My

2223

## Elementary and secondary education

- a **Cal.** School records: substitute for teachers registers destroyed by public calamity; method of ascertaining average daily attendance when records of same destroyed. Adds P.C. §1696a. 1§  
'06 ch.35, 14 Je
- b **Ga.** Amdg. '05 p.425 rel. to local tax for public schools; division of counties into school districts; election of trustees; powers and duties; election for local tax; levy and collection; corporate property taxable; all conflicting laws repealed. 9§ '06 p.61, 21 Ag
- c **Ia.** Miscellaneous amdots. to C. §2739-806: meetings of school bds; reports of school officers; school year; boundaries of school corporations; tax estimates. 14§ '06 ch.136, 10 Mr
- d **Md** Amdg. '04 ch.584 §10, 80 and adding §17D: expense allowance of State Bd of Education \$3000 [\$2000] a year; teachers institutes; State Sup't of Public Education with consent of state bd to appoint for 1 year, at \$1500, Assistant Sup't of Public Education. Rep. inconsistent part of §17B. 4§ '06 ch.356, 9 Ap
- e **Va.** Miscellaneous amdots. to C. ch.66 rel. to public free schools for counties. Rep. C. §1501, 1504. 18§ '06 ch.248, 15 Mr
- f **Va.** Amdg. C. §1531, 1538 rel. to schools in cities and towns constituting separate school districts: apportionment of state funds; eligibility to position of school trustee; rep. provision which debarred teacher related to school trustee. 2§ '06 ch.293, 17 Mr

2225

## Meetings. Elections. Suffrage

- a **Ia.** Amdg. C. §2763: notice of special meetings of voters in school districts. 3§ '06 ch.138, 9 Ap



## EDUCATION

**2227**                      **Districts. Formation. Division. Consolidation**

*See also*, 2272, Consolidation of schools

- |   |  |    |                   |
|---|--|----|-------------------|
| a | Ia. Organization of consolidated independent school districts.   | 18 | '06 ch.141, 5 Ap  |
| b | Ky. "An act providing for extension of boundaries of graded common school districts."  | 48 | '06 ch.88, 28 Mr  |
| c | N. J. Bonds issued by consolidated school district for erection of building to continue a lien on property of district. Supplements '03 (ex. sess.) ch.1.        | 28 | '06 ch.277, 18 My |
| d | O. Declaring unconst. R.S. §3891-92, as amended by rel. to school law in so far as they declare to be legal special school districts created under special acts. |    | '04 p.334         |

**Bartlett v. State 75 N. E. 939 (1905)**

- e O. Amdg. R.S. §3888-89: village containing district with tax valuation of \$100,000 shall constitute school district; status of school district on creation, dissolution or change in classification of municipality. 3§ '06 p.217, 2 Ap
- f Va. Amdg. C. §1470: division of school districts into subdistricts for white and colored children; administration; taxes; appointment of officers; adoption of act on vote of county school bd; application to State Bd of Education for relief from provisions of act. 1§ '06 ch.240, 15 Mr

**2228** **Officers. Boards**

- a S. D. Amdg. Const. 1889 art.9 §7: Leg. may impose additional qualifications for school sup'ts consistent with Const.art.7 §9. 18. Adopted Nov. 1906. '05 ch.68**

## 2229 State

- a **Ia.** Amdg. C. §2625: biennial report of Sup't of Public Instruc-  
tion to be published in even numbered years. 1§ '06 ch.121, 30 Mr  
b **Ky.** \$500 annual appropriation for traveling expenses of State  
Sup't of Public Instruction. 1§ '06 ch.40, 16 Mr  
c **Va.** Amdg. C. §183 subdiv.14: salary of Sup't of Public Instruc-  
tion \$2800 [ \$2000]. 1§ '06 ch.3, 29 Ja  
d **Va.** Amdg. C. §1429 as to renewal of terms of members of  
State Bd. of Education. 1§ '06 ch.33, 19 F; '06 ch.144, 10 Mr

**2230** *County*

- a     **Ia.** Amdg. C. §2729: terms of trustees of county high schools to be 2 and 4 [3] years respectively; partial renewal. 1§ '06 ch.135, 10 Ap
- b     **La.** Parish School Bd to be elected [appointed]: qualifications, term of office and compensation defined. 5§ '06 ch.60, 2 Jl

## District, township and municipal

- a   **Ia.** Amdg. C. §2758 rel. to time of qualification of school direc-  
tors. 1§ '06 ch.137, 17 Mr
- b   **Md.** Term and duties of Bd of School Com'rs of city of Balti-  
more. 1§ '06 ch.107, 16 Mr

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2231

- c **Mass.** Terms of office of sup't and assistant sup'ts of public schools in city of Boston. Rep. '75 ch.241 §7-8. 3§ '06 ch.231, 2 Ap
- d **Mass.** Tenure of certain officers on school committee for city of Boston. Rep. '75 ch.241 §4. 3§ '06 ch.318, 26 Ap
- e **O.** Prescribing method of electing members of bd of education in school districts. 3§ '06 p.116, 22 Mr

2233

## Buildings. Grounds

- a **Ark.** Special school district may borrow money for school building and mortgage property of district as security. 4§ '05 ch.248, 6 My
- b **Cal.** Amdg. P.C. §1670: high school bds may call election to submit question of bond issue for repairing or rebuilding buildings injured by public calamity. 1§ '06 ch.48, 14 Je
- c **Ia.** Amdg. C. §2768 as to school building bond fund. 1§ '06 ch.139, 23 Mr
- d **Ia.** Amdg. C. §2812b: school corp. bd may issue bonds for building and improving schoolhouses on submission to vote. 1§ '06 ch.140, 9 Ap
- e **Ky.** Amdg. S.'03 §3219: bd of education in city of 2d class may issue bonds for school sites and equipment to \$150,000 [\$100,000]. 1§ '06 ch.79, 21 Mr
- f **N. Y.** Amdg. consolidated school law '94 ch.556 t.7 §14 subdiv. 12, §47 subdiv.7, t.8 §15 subdiv.6: trustees may insure school and furniture in foreign insurance co. 4§ '06 ch.150, 5 Ap
- g **R. I.** Towns may condemn land, not exceeding 1 acre in area at any 1 taking for school purposes; proceedings. 4§ '06 ch.1306, 9 Mr
- h **Va.** District school bds may borrow money from literary fund on approval of State Bd of Education for erection of schoolhouses. 7§ '06 ch.252, 15 Mr
- i **Va.** District school bds may issue bonds for erecting and furnishing schoolhouses; on submission to vote. 10§ '06 ch.255, 15 Mr

2237

## General school finance

For finance of state educational institutions, *see* 2333

2239

## State and local

2240

## Funds. Lands. Taxes

*See also* 774. Public lands

- a **Ark.** County judge on notice may lease wild school lands for 5 years or less; after expiration of lease land may be rented. 4§ '05 ch.156, 13 Ap
- b **Mon.** Declaring unconst. '05 ch.3 §5 rel. to issue of bonds for State Normal School and requiring State Treasurer to apply fund from sale of lands and timber to payment of principal and interest of bonds. Const. art.11 §12 requires such funds to be invested and income only used for school. *State v. Rice* 83 P. 874 (1906)

## EDUCATION

**2240**

- c **N. J.** Method of refunding money paid into school fund of state from sale of unclaimed freight. 2§ '06 ch.217, 8 My
- d **O.** Amdg. R.S. §3951 rel. to school taxes: annual state tax of 1 mill for state common school fund, and 1/10 mill for sinking fund; rep. provision rel. to State University fund. Rep. '02 p. 327. 2§ '06 p.256, 2 Ap
- e **Va.** Amdg. C. §1423 rel. to gifts, bequests etc. for educational purposes: trustees to give annual account as to investment of funds; enforcement of execution. 1§ '06 ch.23, 17 F

**2241**

### *Investment of funds*

- a **Id.** Amdg. Const. 1889 art.9 §11: school funds may be invested in county, mun. or school district bonds or state warrants. 2§ Vote Nov. 1906. Not submitted to vote as resolution contained no provision for publication. '05 p.438, 23 F
- b **N. Y.** Amdg. state finance law '97 ch.413 §87 rel. to investments of U. S. deposit fund by county loan com'rs: loans in county and city of N. Y. limited to \$10,000 [\$5000] and amount not to exceed 60% of value of property mortgaged. 1§ '06 ch.575, 23 My
- c **N. D.** Amdg. Const. 1889 §162: school funds may be invested in county, township or mun. bonds. 1§. Adopted Nov. 1906. '03 p.294, 24 F; '05 p.349, 2 Mr

**2242**

### *Apportionment*

- a **Ga.** Amdg. '03 p.65: new counties to receive pro rata share of school fund allotted to counties from which new county was formed. 3§ '06 p.117, 18 Ag
- b **Miss.** Amdg. and supplementing Ann. C.'92 §4051: distribution of state common school fund to various counties and separate school districts. 3§ '06 ch.118, 2 Ja
- c **N. J.** Distribution of state tax on railroad and canal property among counties for school purposes. 1§ '06 ch.146, 20 Ap
- d **N. J.** Amdg. '03 (ex. sess.) ch.1 §182 rel. to annual apportionment of school funds by county sup't: annual report of district bd to state grade of teachers employed, also of pupils attending school outside of own district. 1§ '06 ch.241, 17 My
- e **N. Y.** Amdg. consolidated school law '94 ch.556 §6.subdiv.1 rel. to apportionment of school fund: district quotas; determination of valuation of districts. 1§ '06 ch.698, 2 Je

**2244**

### *County, district and municipal*

- a **Ark.** Amdg. Const. 1874 art.14 §3: Leg. may authorize school district to levy school tax of 7 [5] mills. 1§. Adopted Sept. 1906. '05 p.833, 2 Mr
- b **Ga.** Declaring unconst. '05 p.425 §3, 4 providing for levying and collection of a local tax for school districts. Imposes nonuniform tax. *Brown v. Southern Ry. Co.* 54 S. E. 729 (1906)

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- c N. J. Amdg. '03 (ex. sess.) ch. 1 §189: custodian of school moneys to report to bd of education of district. 1§  
'06 ch.182, 2 My
- d N. D. Declaring unconst. '05 ch.62 §124 in so far as it requires county treasurer to pay to cities organized under gen. law, the interest and penalties on city and city school taxes collected by him. Class legislation. State v. Mayo 108 N. W. 36 (1906)
- e O. Amdg. R.S. §3958 rel. to levy of tax by local bd of education after state funds exhausted: separate levies to [may] be made for different funds; submission of levy to bd of review in city districts not required. 2§  
'06 p.9, 22 F
- f O. Amdg. R.S. §3959: minimum tax levy for schools in city school district, 6 mills; greater or less than authorized tax may be levied; additional 5 mill tax for 5 years may be levied on submission to vote. 2§  
'06 p.127, 28 Mr
- g O. Amdg. R.S. §3960 rel. to local tax rate in school districts: certification of amount to county auditor. Adds §3958a. 3§  
'06 p.248, 2 Ap
- h S. C. Amdg. C.C. §1208 rel. to levy by school district of special school tax: tax not to take effect till succeeding fiscal year. 1§  
'06 ch.71, 24 F
- i Va. Amdg. C. §1529: city council may levy annual school tax of 5 [3] mills on \$1. 1§  
'06 ch.80, 7 Mr
- j Va. County and district school bds severally to publish annual financial statement and post same at voting places in county and at courthouse; form of statement. 1§  
'06 ch.137, 10 Mr

2245

## *Debts*

- a La. Amdg. Const. 1898 art. 315-17 authorizing city of New Orleans to issue \$200,000 of school teachers salary bonds. Adopted Nov. 1906. '06 ch.2 §7-8, 11 Je
- b O. Amdg. R.S. §3970 subdiv. 2, 4 rel. to sinking fund for payment of bonded indebtedness of district bds of education: investment; report; appropriation of taxes for payment; purchase of bonds issued by bd. 3§  
'06 p.45, 14 Mr

2246

## **Negroes**

*See also 2247, 2330*

- a Ky. Declaring unconst. '04 ch.85 rel. to maintenance by inst. of learning of separate branches for white and colored persons in so far as it fixes a minimum distance of 25 miles. Not within police power. Berea College v. Commonwealth 94 S. W. 623 (1906)

2247

## **Teachers**

2250

### *Teachers associations*

- a Ia. Amdg. C. §137 rel. to publication and distribution of proceedings of State Teachers Ass'n. 1§  
'06 ch.6, 30 Mr

## EDUCATION

### *Teachers libraries*

See 2360, School libraries

2253

### **Employment. Pay**

- a **Mass.** School teachers wishing employment may file applications and credentials with State Bd of Education; bd to furnish information to school committees and sup'ts; fees. 2§  
'06 ch.399, 21 My

2254

### *Salaries*

- a **O.** Minimum salary of school teachers \$40 a month for 8 months' session; state aid to make up deficiency; conditions. 3§  
'06 p.200, 2 Ap

2255

### *Pensions*

- a **Md.** Amdg. C.'04 art.77 §58: provisions for pensioning school teachers limited to those without means of support. 1§  
'06 ch.475½, 3 Ap
- b **N. J.** Amdg. '03 ch.16: school teacher employed for 35 years, 20 years of period being in district from which retired [40 years in same district], to be pensioned. 2§  
'06 ch.103, 12 Ap
- c **N. J.** Generally amdg. '03 (2d ex. sess.) ch.1 §213-24 rel. to teachers retirement fund. 12§  
'06 ch.314, 13 Je
- d **N. Y.** Establishing pension fund for teachers in Troy. 11§  
'06 ch.305, 24 Ap
- e **O.** Amdg. R.S. §3897d, e, k, l: school teacher's pension not to exceed \$300 [\$500]; pension fund. 5§  
'06 p.157, 31 Mr

2258

### **Qualifications**

- a **Cal.** Teachers certificates lost or destroyed by public calamity may be reissued without fee. Adds P.C. §1892. 1§ '06 ch.47, 14 Je
- b **Ia.** Exam. and certification of teachers: classification and registration of certificates. Rep. C. §2632, 2734-37. 21§ '06 ch.122, 5 Ap
- c **Ky.** Amdg. S.'03 §4425: teachers applying for exam. to take oath that they have no knowledge of questions or of unlawful use of same by others. 3§  
'06 ch.29, 16 Mr
- d **Ky.** Amdg. S.'03 §4426: *felony* [msdr.] for any state or county officer to furnish information rel. to teachers exam. questions; penalty, *1 to 2 years imprisonment* [fine, \$50 to \$100]. 1§  
'06 ch.39, 16 Mr
- e **La.** Defining qualifications of applicant for state teachers certificate: holder may teach in any parish for 10 years; State Bd of Examiners created. 5§  
'06 ch.55, 2 Jl
- f **N. J.** Amdg. '03 (2d ex. sess.) ch.1 §30: compensation of members of county bd of examiners limited to \$25 [\$10] for each exam. 1§  
'06 ch.309, 12 Je
- g **O.** Amdg. R.S. §4071a rel. to exam. of county teachers: questions to be prepared *and printed* by State Com'r of Common Schools [printed by county bd of examiners]; msdr. to be in possession of papers prior to distribution. 2§ '06 p.228, 2 Ap

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2261

## Certificates to graduates

- a **Ark.** Diploma of normal dep't of University of Ark. equivalent to 6 year license to teach; at expiration of period, on approval of Sup't of Public Instruction, diploma may be converted to life certificate. 2§ '05 ch.343, 11 My
- b **Ky.** Diploma from normal dep't of Agricultural and Mechanical College equivalent to life certificate to teach; issue of college certificates corresponding to state diplomas and certificates. 4§ '06 ch.92, 21 Mr
- c **La.** Amdg. '02 ch.214 §23, 49, 53, 59: school week and month defined; applicant for 1st grade certificate who is graduate of inst. of learning authorized to confer a diploma exempt from exam. in certain subjects; what diplomas entitle holder to certificate without exam. 4§ '06 ch.133, 10 Jl
- d **S. C.** Amdg. C.C. §1200: State Bd of Education to examine curriculum and equipment of college before issuing certificates on its diplomas. 1§ '06 ch.25, 17 F

2263

## Institutes

- a **Ark.** Annual institutes to be held for both white and colored teachers; regulations. 8§ '05 ch.311, 1 My
- b **Ky.** Amdg. '93 ch.260 §9 rel. to attendance of teachers at county institutes: no reduction of salary on account of suspension of session; time not to be charged as loss. 1§ '06 ch.35, 16 Mr

2266

## Normal schools

- a **Ga.** Establishing Agricultural, Industrial and Normal College in Lowndes county, as a branch of University of Ga.: site to be donated; trustees; officers; property not to be alienated or encumbered; purpose. 10§ '06 p.75, 18 Ag
- b **Ia.** Amdg. C. §2680 rel. to biennial report of State Normal School at Cedar Falls. 1§ '06 ch.125, 30 Mr
- c **Ky.** "An act to establish system of state normal schools . . ." 30§ '06 ch.102, 21 Mr
- d **Miss.** Property of State Normal School for colored pupils at Holly Springs donated to Branch Agricultural Experiment station. 2§ '06 ch.146, 1 Mr
- e **N. Y.** Provision for rebuilding of N. Y. State Normal College at Albany and authorizing exchange of site; \$350,000. 4§ '06 ch.435, 14 My

2267

## Attendance

### Colored pupils

See 2246

2270

## Compulsory attendance. Truancy

See also 2118, Employment (children)

- a **Md.** Amdg. '04 ch.299: compulsory education of deaf and blind children, 6 [8] to 16 years, during 8 months or school year; free transportation for indigent pupils; names of children to be furnished by school teachers to bds of county school com'rs and Baltimore bd of education. 5§ '06 ch.236, 31 Mr

## EDUCATION

2270

- b **Mass.** Amdg. R.L. ch.44 §1 rel. to compulsory education: parents may not avail themselves of defense of physical or mental condition of child unless all reasonable measures have been taken to correct condition. 1§ '06 ch.383, 11 My
- c **Mass.** Habitual truants, absentees and school offenders to be committed to county truant schools. 3§ '06 ch.389, 12 My

2272 **Place of attendance. Conveyance of pupils. Consolidation of schools**

*See also 2227, Districts*

- a **O.** Amdg. R.S. §3934: conveyance of pupils to schoolhouses *optional* with bd of education of special school districts [transportation required of pupil residing 1½ miles distant]. 2§ '06 p.267, 2 Ap

2274

### School census

- a **Cal.** Amdg. P.C. §1636: provision for substitute, when public calamity prevents taking of school census. 1§ '06 ch.34, 14 Je

2275

### School year, month, day

- a **La.** Amdg. '02 ch.214 §23, 49, 53 and 59: school week and month defined. 4§ '06 ch.133, 10 Jl

2277

### Students. Discipline

2281

### Physical condition. Medical inspection

- a **Mass.** "An act rel. to appointment of school physicians." 7§ '06 ch.502, 20 Je

2288

### Curriculum

2306

### Patriotic exercises

- a **S. C.** South Carolina day, Mar. 18, to be celebrated in schools. 2§ '06 ch.18, 17 F

2308

### Physical culture

- a **Mass.** School committees may supervise athletic organizations of pupils bearing name of school and prescribe conditions for competition. 2§ '06 ch.251, 5 Ap

### Trades and manual training

*See 2350*

2316

### Special kinds of schools

*See also 2184, Deaf and dumb; 2188, Blind; 2265, Normal schools; 2342, Professional and technical education*

2325

### Private schools

- a **O.** Amdg. '56 p.33 §3: bd of education may contract for instruction of pupils in nonsectarian schools or academy in district and for contribution toward maintenance and erection of buildings; proviso. 2§ '06 p.206, 2 Ap

**2327 High schools and academies**

**2328 State aid**

- a **Cal.** Amdg. '05 ch.65 §5 rel. to apportionment of state high schools fund: conditions rel. to average daily attendance and school sessions not to apply when school closed because of public calamity. 1§ '06 ch.43, 14 Je
- b **Mass.** Amdg. R.L. ch.42 §3: towns of less than 500 families maintaining high school to receive \$500 [\$300] state aid a year. 2§ '06 ch.200, 26 Mr
- c **Va.** Provision for establishing and maintaining system of district high schools; state aid to amount raised by district, \$250 to \$400 a year; \$50,000 annual appropriation. 4§ '06 ch.211, 14 Mr

**2330 Higher education**

**2332 State institutions (general)**

- a **Ga.** Providing for additional trustee for University of Ga.: to be nonresident native Georgian; appointed by Gov. for 8 years. 4§ '06 p.77, 18 Ag
- b **Ia.** Amdg. C. §2641: biennial report of State University to be made in *even* [odd] numbered years. 1§ '06 ch.123, 30 Mr
- c **O.** Defining state policy as to development of higher educational insts.: Ohio University at Athens and Miami University at Oxford to be supported as colleges of liberal arts, without technical or graduate instruction; Ohio State University at Columbus to furnish in addition to liberal courses, professional, technical and graduate instruction; fixing permanent tax rates for each inst.; inspections of accounts. Rep. R.S. §3951 a-b and '02 p.45 §3-6. 10§ '06 p.309, 2 Ap
- d **S. C.** Amdg. C.C. §1257: changing name of S. C. College at Columbia to University of S. C. 4§ '06 ch.14, 17 F
- e **S. C.** State colleges to allow 10 days Christmas recess. 1§ '06 ch.30, 17 F
- f **Va.** Rev. '88 ch.434 rel. to William and Mary College: property to be transferred to state; managing bd of visitors to be appointed by Gov. and Senate; maintenance of normal school with collegiate course; act subject to adoption by college. 7§ '06 ch.92, 7 Mr
- g **Va.** Sup't of Public Instruction to be member of bd of visitors of University of Va. 1§ '06 ch 307, 17 Mr
- h **Wis.** Joint leg. committee to be appointed to investigate State University; expenditure limited to \$10,000; report to Gov. by Nov. 1906. 1§ '05 (ex. sess.) ch.7, 19 D; '05 (ex. sess.) p.41

**2333 Finance. Lands. Support**

*See also 774, Public lands; 2237, School finance*

- a **La.** Amdg. Const. 1898 art. 256: removing limitation on appropriation to La. Industrial Institute. 2§. Adopted Nov. 1906. '06 ch.3, 11 Je



## EDUCATION

### **#335** *Admission. Scholarships. Tuition*

- a **S. C.** Subsidized educational insts. to report to Leg. annually names of beneficiary and scholarship students. 3§ '06 ch.69, 24 F

### **#342** **Professional and technical education**

For examination and licensing, *see* 591, Practice of law; 944, Medicine; 948, Dentistry; 949, Pharmacy; 1388, Veterinary practice. *See also* 3261, Normal schools

### **#343** **Agricultural**

*See also* 1838, Agricultural experiment stations; 1829, Farmers institutes, reading courses, lectures

- a **Ga.** An industrial and agricultural school to be established in each congressional district: funds to establish; trustees; donation of site and location; support of students; course; faculty; work of students; tuition; when opened; rental of premises. 10§  
'06 p.72, 18 Ag
- b **Ia.** To provide for maintenance of agricultural extension work by Ia. State College of Agric. and Mechanic Arts; appropriation. 3§  
'06 ch.185, 10 Ap
- c **N. Y.** Establishing N. Y. State School of Agric. at Saint Lawrence University at Canton; \$80,000. 4§  
'06 ch.682, 31 My

### **#344** **Colleges**

- a **Ga.** Appropriating \$100,000 to University of Ga. to erect and equip agricultural college at Athens; bd of trustees created; their powers and duties. 4§  
'06 p.10, 21 J1
- b **Ga.** Establishing an Agricultural, Industrial and Normal College in Lowndes county, as a branch of University of Ga.: site to be donated; trustees; officers; property not to be alienated or encumbered; purpose. 10§  
'06 p.75, 18 Ag
- c **Ga.** Reorganizing local bd of trustees of North Ga. Agricultural College: to consist of 7 members, 3 from county of Lumpkin; to be appointed by Gov.; rights, powers and duties. 7§  
'06 p.78, 21 Ag
- d **N. Y.** Providing for administration of N. Y. State College of Agric. at Cornell University established by '04 ch.655. 1§  
'06 ch.218, 12 Ap
- e **R. I.** Amdg. G.L. ch.66 §2: \$25,000 [\$15,000] annual appropriation for R. I. College of Agric. and Mechanic Arts. 2§  
'06 ch.1353, 20 Ap

### **#346** **Ceramics**

- a **Ia.** Establishing dep't of ceramics at Ia. State College of Agric. and Mechanic Arts: to teach art of claymaking, manufacture and use of cements and allied industries. 2§  
'06 ch.124, 10 Ap

### **#350** **Technical and manual training**

- a **Mass.** Com'n on Industrial Education to be appointed: to direct establishment of independent industrial schools through state, prescribe courses of instruction and apportion state aid proportional to amount of local tax; annual report to Leg.; appropriations. Rep. R.L. ch.42 §10. 8§  
'06 ch.505, 21 Je

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- b N. J. Amdg. '81 ch.164 §1 rel. to industrial schools: annual maximum of state aid \$7000 [\$5000]. 1§ '06 ch.20, 20 Mr

2352

## Libraries

2354

### State libraries

- a Md. Gov. and Senate to appoint custodian of works of reference in Md. State Library for 2 years at \$720 salary. 1§ '06 ch.50, 8 Mr
- b Miss. State Librarian with Gov. may appoint assistant state librarian at \$600. 2§ '06 ch.121, 2 Ja
- c R. I. Amdg. 'G. L. ch.28 §2 as to apportionment of State Library appropriation. 2§ '06 ch.1350, 20 Ap

2356

### Free public libraries

- a N. J. Supplementing '05 ch.150: free public library may receive and care for gifts and bequests of art objects. 1§ '06 ch.8, 7 Mr
- b O. Amdg. R.S. §348, 891a rel. to public libraries: Bd of Library Com'rs may appoint library organizer to promote and organize new libraries, reporting annually to bd; county com'rs may agree with library ass'n for use of library by people of county. 3§ '06 p.194, 2 Ap

2357

### State aid and supervision. Traveling libraries

- a Mass. Bd of Free Public Library Com'rs may expend annually not to exceed \$2000 to aid libraries in towns under \$600,000 valuation. 1§ '06 ch.183, 21 Mr
- b N. J. Traveling libraries may be sent to penal and correctional insts.; \$1000. 2§ '06 ch.115, 13 Ap
- c Va. Appropriating \$7500 to establish a system of traveling libraries. 1§ '06 ch.129 §10, 10 Mr

2358

### Establishment. Support. Government

- a Ia. Amdg. C. §422, 729 and adding §729d rel. to free public libraries: benefits extended to residents outside corporate limits of town or city in which library is located; powers of library trustees. 4§ '06 ch.14, 5 Ap
- b Ia. Amdg. C. §732, 894 subdiv. 4: tax levy for libraries in cities and incorporated towns under 6000 limited to 3 [2] mill tax. 2§ '06 ch.21, 30 Mr
- c O. Township may levy ½ mill tax to pay private ass'n maintaining free public library. 3§ '06 p.47, 14 Mr
- d O. Amdg. '02 (ex. sess.) p.8 §1: bds of education may provide free libraries for city, village, *township* and special school districts; provisions of act extended to libraries jointly owned by 2 or more school districts; organization and management. 2§ '06 p.244, 2 Ap
- e O. Public library bd may issue bonds for erection of library building, on submission to vote of district maintaining library. 7§ '06 p.260, 2 Ap

## HISTORY AND MEMORIALS

2359

### Law libraries

- a Ark. Clerk of Supreme Court may employ librarian, at \$75 a month. 3§ '05 ch.92, 15 Mr
- b Ia. Amdg. C. §288re: \$4000 [\$2500] annual appropriation for law dep't of State Library and Historical Dep't. 1§ '06 ch.143, 21 Mr
- c O. Amdg. R.S. §2679: county com'rs having law library ass'n to provide quarters at county seat if no room in county court-house; books and furniture exempt from taxation. 2§ '06 p.18, 26 F

2360

### School libraries

- a La. Providing for establishment of school libraries: supervision by State Sup't of Education. 6§ '06 ch.202, 12 JI

2363

### History. Records. Memorials

- a Ark. Appointment of Ark. History Com'n to investigate extant sources of information on state history and methods of preservation; report to Gov. by Jan. 1907; \$1250. 3§ '05 ch.215, 27 Ap

2364

### Anniversary celebrations

- a N. Y. Designating Hudson-Fulton Com'n to prepare celebration in 1909 of discovery of Hudson river and use of steam for navigation on same; \$25,000. 11§ '06 ch.325, 27 Ap
- b O. County may appropriate \$15,000 for centennial celebration of formation, on submission to vote. 3§ '05 p.163, 31 Mr

2365

### Archives. Records. Colonial laws

- a Ia. Preservation of public archives by State Library and Historical Dep't: transfer of documents 10 years after current use; classification and calendaring; Hall of Public Archives to be provided in State Historical Memorial and Art Building. 5§ '06 ch.142, 10 Ap

2366

### Historical societies

- a Ky. \$5000 annual appropriation for Ky. Historical Society. 1§ '06 ch.28, 16 Mr

2369

### Scenic and historic places

*See also 798, State parks; 2370, Memorials*

- a N. J. Supplementing '02 ch.128: \$12,000 for purchase of adjoining property and restoration of Old Tavern House at Haddonfield. 2§ '06 ch.100, 10 Ap
- b N. Y. "An act to provide for acquiring . . . Watkins Glen . . ."; Com'rs of Land Office to acquire title; American Scenic and Historic Preservation Society to have control; \$50,000. 4§ '05 ch.676, 31 My

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- c N. Y. "An act to provide for acquisition . . . of historic mansion and blockhouse . . . owned by Sir William Johnson in city of Johnstown"; Com'rs of Land Office to acquire title to land; Johnstown Historical Society to preserve same as historic landmark; \$25,000. 4§ '06 ch.681, 31 My
- d R. I. Appropriating \$1500 for marking of sites of historic interest in the state. '06 r.40, 13 Ap

2370

**Memorials. Monuments**

- a N. J. Gov. to appoint com'n to erect monument at Greenwich, commemorating burning of cargo of tea of British brig Greyhound in 1774 in resistance to tax on colonies; \$5000. 4§ '06 ch.170, 30 Ap

2371

**Battle flags**

- a Ark. United Daughters of Confederacy to be custodians of Confederate flags borne by Ark. regiments when returned by U. S. 1§ '05 p.842, 27 Ap
- b Ga. Gov. to make provision for preservation at Capitol of flags of Ga. troops who served in army of Confederate states. 4§ '06 p.122, 9 Ag
- c Miss. \$1000 for preservation of Confederate battle flags. 2§ '06 ch.33, 23 Mr
- d Va. Com'n named for preservation of battle flags returned by U. S.; \$500. 4§ '06 ch.266, 15 Mr

2372

**Grave markers**

- a R. I. Appropriating \$300 for metallic markers for graves of soldiers and sailors of Rebellion. '06 r.33, 6 Ap

2373

**Medals**

- a Md. Medals of reward may be issued for Spanish War veterans. Adds C.'04 art.65 §54A. 1§ '06 ch.530, 3 Ap

2374

**Memorial buildings**

- a O. Amdg. '02 p.41 §10: maintenance of county memorial buildings erected to veterans; county com'rs may permit use of building. 2§ '06 p.126, 28 Mr

2376

**Memorials on battlefields. Soldiers monuments**

- a Md. Com'n to be appointed to erect monument in Baltimore to Civil War veterans; \$25,000. 4§ '06 ch.539, 9 Ap
- b Mass. Gov. and Council to consider advisability of erecting memorials without state to commemorate action of state troops in Revolutionary War; report to Leg. of 1907. '06 r.105, 26 Je
- c Miss. \$50,000 for erection of markers and memorials in Vicksburg National Military Park. 1§ '06 ch.53, 1 Mr
- d Miss. Miss. Vicksburg Park Com'n to be appointed; to erect memorials to Confederate soldiers fighting in siege at Vicksburg. 5§ '06 ch.141, 7 F

## HISTORY AND MEMORIALS

2376

- e **Miss.** County or mun. authorities may appropriate money for erecting or repairing monuments to Confederate dead. 1§  
'06 ch.145, 17 F
- f **N. J.** \$6000 for erection of monument on battlefield of Salem Church, Va., to commemorate services of 23d regiment N. J. volunteer infantry. 4§  
'06 ch. 6, 7 Mr
- g **N. J.** Com'n of 5 to be appointed by Gov. to erect monument to 14th regiment N. J. volunteer infantry at Monocacy, Md.; \$2500. 4§  
'06 ch.85, 6 Ap
- h **N. Y.** Com'n named to erect monument to 10th regiment of N. Y. state volunteer infantry who participated in battle of 2d Bull Run; \$1500. 4§  
'06 ch.666, 31 My
- i **N. Y.** Com'n named to erect on battlefield of 1st Bull Run monument to 14th regiment of N. Y. state militia who participated in battles of Bull Run, Gainesville and Groveton, Va.; \$1500. 4§  
'06 ch.667, 31 My
- j **O.** \$3250 for publication of Ohio Vicksburg Battlefield Com'n report. 1§  
'06 p.145, 31 Mr
- k **O.** Com'n to be appointed to erect monument at Columbus to Civil War soldiers killed in explosion of ship Sultana; \$15,000. 4§  
'06 p.308, 2 Ap
- n **R. I.** Com'n to be appointed to erect monument in Vicksburg National Park; \$5000. '06 r. 4, 20 Ap ;

2377

### Memorials to individuals

- a **Ga.** Appropriating \$15,000 toward equestrian statue of Gen. John B. Gordon to be erected upon Capitol grounds: com'n created; powers and duties. 3§  
'06 p. 18, 20 Ag
- b **Ga.** Gov. to supervise erection of monument to Gen. James Oglethorpe in Savannah; \$15,000. 5§  
'06 p.1139, 20 Ag
- c **Ia.** \$5000 for statue to Gov. S. J. Kirkwood in national statutory hall at Washington. 2§  
'06 ch.193, 5 Ap
- d **Ia.** \$500 toward erection of monument to Revolutionary soldier, Timothy Brown, at Washington. 3§  
'06 ch.207, 16 Mr
- e **Ia.** \$500 toward erection of monument to Revolutionary soldier, John Morgan, at Burlington. 3§  
'06 ch.208, 10 Mr
- f **Ia.** \$500 toward erection of monument to Revolutionary soldier, John Perkins, in Lee county. 3§  
'06 ch.209, 30 Mr
- g **Ky.** Committee to be appointed to erect memorial to Abraham Lincoln at Hodgenville; \$2500. 2§  
'06 ch.41, 16 Mr
- h **Ky.** Com'n to be appointed to restore Daniel Boone monument in Frankfort cemetery; \$2000. 1§  
'06 ch.66, 21 Mr
- i **Md.** \$600 for purchasing portraits of Matthew Tilghman and Gov. Robert Bowie. 2§  
'06 ch.504, 9 Ap
- j **Mass.** Provision for purchasing portrait of Abraham Lincoln for State House; cost limited to \$2100. '06 r.30, 20 Mr
- k **Mass.** Gov. and Council to procure portrait of G. F. Hoar; \$5000. '06 r.62, 3 My

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- n **Mass.** \$1500 for erection of monument to Chevalier de St Sauveur. '06 r.104, 26 Je
- p **R. I.** Appropriating \$600 to purchase portrait of Arthur Fenner, Gov. from 1790 to 1805. '06 r.34, 11 Ap
- q **R. I.** Appropriating \$1000 to procure portrait of Arthur W. Dennis, speaker of House of Representatives. '06 r.35, 20 Ap
- r **S. C.** Com'n to be appointed to erect monument to Gen. Thomas Sumter; \$500. 3§ '06 ch.173, 21 F
- s **Va.** Amdg. '03 ch.243 §3: continuing com'n appointed to erect monument to R. E. Lee; Gov. to be member of com'n. 1§ '06 ch.79, 7 Mr

2379

### War records

- a **Miss.** Bds of county supervisors to provide rosters of Confederate veterans. 2§ '06 ch.139, 29 Mr
- b **N. J.** Military records to be deposited with adjutant gen. 1§ '06 ch.153, 25 Ap
- c **Va.** Reappointment of Sec. of Military Records: to complete records provided for by '04 ch.70. 7§ '06 ch.44, 20 F

2380

## Scientific work. Art

2384

### Geology. Topography

- a **Ia.** Amdg. C. §2500-2 rel. to State Geologic Survey: State Geologist to cooperate with U. S.; publication of bulletins; \$8000 [\$5000] annual appropriation. 3§ '06 ch.104, 10 Ap
- b **Ky** Curator of State Geological Dep't to continue state survey, resumed by '04 ch.19, in cooperation with U. S. Geologic Survey; biennial report to Gov.; appropriations. 10§ '06 ch.49, 17 Mr
- c **Miss.** To provide for geologic, economic and topographic survey of state, in cooperation with U. S. Geologic Survey; biennial report to Leg. 8§ '06 ch.111, 9 F

2385

### Museums

- a **La.** Rev. '00 ch.90 creating a State Museum: providing for its organization and management. 11§ '06 ch.169, 11 Jl

2388

## Military regulations

*See also 2363, History, records, memorials*

2391

## Militia. National Guard

- a **Ia.** Misc. amdts. to C. §2167-215 rel. to militia. 18§ '06 ch.91, 5 Ap
- b **Ky.** Amdg. '93 ch.160 §12, S.'03 §2670, 2677 rel. to militia: enlistment of recruits; organization of brigades; Cadet Battalion of State Agricultural and Mechanical College made honorary organization; rank of officers on Governor's staff; duties of unassigned officers. Adds S.'03 §2670A, 2677A. 5§ '06 ch.153, 24 Mr

## MILITARY REGULATIONS

2391

- c **La.** Amdg. '04 ch.181 §100 as to penalty for appropriating or wearing without authority military uniform or equipment. 1§  
'06 ch.146, 10 J1
- d **Mass.** Misc. amdts. to '05 ch.465 rel. to militia. 27§  
'06 ch.504, 21 Je
- e **N. J.** Military Code. 158§ '06 ch.233, 16 My
- f **N. Y.** Amdg. Military Code '98 ch.212 §21, 36 rel. to militia: membership of organizations of privates; organization of field hospital. 2§  
'06 ch.17, 26 F
- g **N. Y.** Amdg. Military Code '98 ch.212 §151, 157, 159: pay of field hospital corporal and first class private on duty; allowances for military organizations and headquarters. 3§ '06 ch.18, 26 F
- h **N. Y.** Amdg. Military Code '98 ch.212 §126: purchase of uniforms and equipments for National Guard. 1§ '06 ch.133, 3 Ap

2392

### Armories

- a **Mass.** Amdg. '05 ch.465 §120: adjutant gen. may allow temporary use of armories for lectures, public meetings and public entertainments. 1§ '06 ch.469, 8 Je
- b **Mass.** Com'n to be appointed to consider advisability of purchasing, constructing and maintaining armories for militia; report to Leg. of 1907; \$500. '06 r.98, 14 Je
- c **N. J.** Amdg. '88 ch.182 §1, 4-6: State Military Bd may erect cavalry armory in cities of 1st and 2d class. 6§ '06 ch.125, 18 Ap
- d **N. J.** State Military Bd to purchase site and rebuild cavalry armory at Red Bank; \$75,000. 4§ '06 ch.165, 30 Ap
- e **N. Y.** Amdg. Military Code '98 ch.212 §143: armories may be used by Spanish-American War veterans; *Armory Com'n* [Gov.] may allow use for best interest of military service and state. 1§  
'06 ch.105, 23 Mr
- f **N. Y.** Amdg. Military Code '98 ch.212 §131, 134, 138-39: armory to be provided for field hospital. 4§ '06 ch.134, 3 Ap
- g **R. I.** Authorizing issue of \$350,000 armory construction loan bonds. 4§ '06 ch.1311, 20 F
- h **R. I.** \$800 annual appropriation for heating and lighting armories of chartered independent military organizations. 1§  
'06 ch.1317, 27 Mr
- i **Wash.** Declaring unconst. '03 ch.115 providing for construction of state armories at Tacoma, Seattle and Spokane. Special legislation.  
Terry v. King County 86 P. 210 (1906)

2393

### Band

- a **N. Y.** Amdg. Military Code '98 ch.212 §181: Gov. may on application of commandant of regiment, battalion or squadron authorize formation of band consisting of enlisted men. 1§  
'06 ch.201, 12 Ap

2394

### Encampment

- a **O.** "To provide for purchase of land for state rifle range and camp grounds"; \$25,000. 3§ '06 p.243, 2 Ap

2398

**Officers and boards**

- a **Ky.** Amdg. '93 ch.160 §54: pay of adjutant gen. and of commissioned officers in active service. 1§ '06 ch.154, 24 Mr
- b **Mass.** Amdg. '05 ch.465 §83: any retired commissioned officer accepting commission in active militia, may on application be again retired. 1§ '06 ch.212, 30 Mr
- c **Mass.** Amdg. '05 ch.465 §28: inspector of small arms practice in militia to have rank of captain on regimental staff. 1§ '06 ch.273, 12 Ap
- d **Mass.** Tenure of brigadier gen. 5 years, of colonel of regiment and captain of naval brigade 7 years; ineligible for reelection; retirement of officers. 4§ '06 ch.423, 26 My
- e **N. Y.** Amdg. Military Code '98 ch.212 §14 as to action against officer for omission to perform duty. 1§ '06 ch.104, 23 Mr
- f **N. Y.** Amdg. Military Code '98 ch.212 §25: regiment to have 3 assistant surgeons if regiment consist of over 10 companies. 1§ '06 ch.160, 6 Ap
- g **R. I.** Amdg. G.L. ch.296 §50 rel. to office and rank of naval battalion officers. 2§ '06 ch.1347, 19 Ap

2402

**Regulations of troops**

- a **Mass.** Amdg. '05 ch.465 §87: enlisted man of state volunteer militia on notice of his intended discharge on request to be given hearing, and to be represented by counsel at own expense. 1§ '06 ch.373, 8 My
- b **N. J.** Medals to be given officers and men serving 15 years in National Guard or naval reserve. 3§ '06 ch.197, 2 My
- c **R. I.** Amdg. G.L. ch.296 §123: company drills to be held 40 [12] times a year. 1§ '06 ch.1333, 18 Ap

2404

**Unofficial and independent companies**

- a **R. I.** Amdg. G.L. ch.296 §19: provision for awarding of service medals to members of independent chartered military organizations; regulations. 1§ '06 ch.1359, 20 Ap

2405

**Volunteers in Spanish War. Additional pay**

- a **La.** Com'n to be appointed, with Gov. as ex officio chairman, to distribute the "Spanish-American War veterans fund" received from U.S. gov't as back pay. 6§ '06 ch.211, 12 Jl

2406

**Pensions and relief**

2408

**State pensions and aid**

- a **Ga.** Salaries of Com'r of Agric. and Com'r of Pensions \$3000. 2§ '06 p.110, 17 Ag

2409

*Confederate veterans*

- a **Ark.** Amdg. S.'04 §5962: tax of 1 [¾] mill to be levied for pension fund. 2§ '05 ch.341, 11 My



## MILITARY REGULATIONS

2409

- b **La.** Amdg. '98 ch.125 §1: members of pension bd to receive \$500 [\$250] annually and traveling expenses, postage, stationery and *incidental expenses*; Sec. to receive \$150 [\$100] a month. 1§ '06 ch.184, 11 Jl
- c **Miss.** Biennial enumeration of Confederate soldiers and widows to be taken by county assessor. 2§ '06 ch.138, 1 Mr
- d **S. C.** Amdg. C.C. §1068 rel. to applications for pensions: pensioner competent as witness for applicant. 1§ '06 ch.78, 24 F
- e **Va.** Amdg. '02 ch.453 §1, 2, 7, 12, 16, 18, 20 rel. to awarding of Confederate pensions: to include veterans becoming blind, also veterans of other states, 5 year residents in Va., when reciprocal provisions are made by other states. 7§ '06 ch.134, 10 Mr

2411

### Burial expenses

- a **Md.** Provision for burial of indigent Union and Confederate veterans dying in state; expense limited to \$35 each. 4§ '06 ch.822, 5 Ap

### Preference of veterans

*See* 38(5. Civil service; *also* 816, Exemption from taxation; 833. Business taxes; 1560, Hawkers and peddlers; 2335, Tuition

2413

### Widows and families

- a **Ark.** Amdg. S.'04 §5938-39: widowed mother remaining unmarried, of Confederate war veteran dying without widow entitled to pension, to receive \$50 a year. 3§ '05 ch.325, 11 My

2416

### Soldiers homes

- a **Ga.** Amdg. '00 p.86 §2: salary of Sup't of Confederate Soldiers' Home of Ga. not over \$1000 [\$500]. 2§ '06 p.124, 21 Ag
- b **Ia.** Amdg. C. §2604 rel. to Ia. Soldiers Home: salary of commandant, \$2000 [\$1800]; heat and fuel to be furnished to inferior officers. 1§ '06 ch.117, 10 Ap; '06 ch.118, 10 Ap
- c **Ky.** Amdg. '02 ch.27 §4 rel. to time of appointment and term of trustees of Ky. Confederate Home. 1§ '06 ch.103, 21 Mr
- d **N. J.** Bd of managers of N. J. Home for Disabled Soldiers, Sailors or Marines and their Wives at Vineland to enlarge same; \$50,000; bd to report to Leg. of 1907. 5§ '06 ch.168, 30 Ap
- e **N. Y.** Amdg. '94 ch.468 §2,5-6 and adding §9-10 rel. to managing bd of N. Y. State Woman's Relief Corps Home. 5§ '06 ch.451, 15 My

2417

### Admission

- a **Ia.** Amdg. C. §2606 rel. to admission to Ia. Soldiers Home: indigent widow of veteran married prior to 1885, and remarried subsequently to veteran, eligible to home. 1§ '06 ch.119, 5 Ap
- b **O.** Amdg. '92 p.39 §2: imbecile veteran may be admitted to Ohio Soldiers and Sailors Home. 2§ '06 p.80, 19 Mr

2418

*Widows and orphans*

- a. **Ark.** Annex to be built to Confederate Soldiers Home, for indigent mothers, wives and widows of veterans; \$15,000. 6§  
'05 ch.180, 19 Ap
- b. **Ia.** Amdg. C. §2685: indigent orphans of sailors and marines to be admitted to Ia. Soldiers Orphans Home. 1§  
'06 ch.126, 19 F

2421

**Organizations**

- a. **Mass.** Amdg. '05 ch.465 §153: foreign troops admitted by consent of U. S. gov't may parade with firearms in public. 1§  
'06 ch.198, 24 Mr
- b. **N. Y.** Amdg. Military Code '98 ch.212 §184 rel. to formation of military ass'ns. 1§  
'06 ch.16, 26 F

2430

**Local government**

2432

**Municipalities**

The usage of terms designating local bodies varies widely in different states. The word *municipality* is here used throughout in its original and strictest meaning to designate any *densely populated*, incorporated community; thus including cities, villages, boroughs, hamlets and "towns" (as a name for villages), but not including townships. Where the word *town* is used to designate the primary division of the county, it is grouped with township government, though in the case of the New England towns the nature of the government approaches more nearly that of the municipality than that of a western township.

In many states, municipalities, specially cities, are divided into classes according to population. As the classification varies widely, the limits of population designated thereby are in these references substituted for the number of the class.

- a. **N. J.** Com'n to be appointed to consider the system of mun. gov't in state and report to Gov. and Leg. on 1st day of session 1907. 4§  
'06 p.741, 22 My

2433

**State control of cities. Home rule**

- a. **Cal.** Amdg. Const. 1879 art.11 §8: city of 3500 may adopt new charter. 1§. Adopted Nov. 1906. '05 p.1064, 8 Mr
- b. **Cal.** Amdg. Const. 1879 art.11 §8: charters of city and county of San Francisco and of city of San José may be amended within 2 years without ratification by Leg.; procedure. Rejected Nov. 1906. '06 p.88, 12 Je
- c. **Or.** Amdg. Const. 1857 art.11 §2: municipality given exclusive right to enact and amend charter subject to Const. and criminal laws. 1§. Adopted on initiative petition June 4, 1906.

2438

**Organization. Powers generally**

- a. **Col.** Declaring unconst. the charter of "city and county of Denver" in so far as it increases number of judges of County Court and changes time of their election and that of certain other county officers. Charter convention exceeded authority conferred by Const. art.20. People v. Johnson 86 P. 233 (1905)

# MUNICIPALITIES

2438

- b Ga. Charter of city of Ashburn. 71§ '06 p.509, 26 Ag
- c Ga. Charter of city of Cairo. 56§ '06 p.573, 6 Ag
- d Ga. Charter of city of Cartersville. 92§ '06 p.590, 1 Ag
- e Ga. Charter of city of Tennille. 63§ '06 p.1073, 21 Ag
- f Ky. "An act rel. to annulling charters of towns of 6th class."  
3§ '06 ch.75, 21 Mr
- g Md. Generally amdg. charter of town of Midland, Allegany  
county. 19§ '06 ch.382, 3 Ap
- h Md. Generally amdg. charter of town of Easton, Talbot county.  
83§ '06 ch.458, 2 Ap
- i Md. Generally amdg. charter of Pocomoke City, Worcester  
county. 28§ '06 ch.549, 3 Ap
- j Md. Rev. charter of town of Glen Echo. 25§ '06 ch.826, 5 Ap
- k Mass. Charter of city of Westfield. 58§ '06 ch.409, 21 My
- n Mich. Rev. charter of city of Jackson. 314§  
'05 (special acts) ch.399, 20 Mr
- p Mich. Rev. charter of city of Coldwater. 381§  
'05 (special acts) ch.556, 18 My
- q Mich. Rev. charter of city of Saginaw. 409§  
'05 (special acts) ch.566, 25 My
- r Mich. Rev. charter of city of Grand Rapids. 546§  
'05 (special acts) ch.593, 6 Je
- s Neb. Declaring invalid '87 ch.14 rel. to cities of 2d class over  
5000. Amds. law declared unconst.  
City of Plattsmouth v. Murphy 105 N.W. 293 (1905)
- t N. J. Amdg. '88 ch.53 rel. to powers of town bd of com'rs:  
dumpage of waste matter on private land; contract for removal  
of ashes and garbage; licensing of public vehicles. 1§  
'06 ch.39, 27 Mr
- u N. J. Amdg. '97 ch.161 §9, 23, 45, 55 rel. to boroughs: renewal  
of bonds; council meetings; assmt. and collection of taxes; ex-  
pense of improvements. 4§ '06 ch.60, 30 Mr
- v N. J. Amdg. '03 ch.168 §3, 7: city council meetings to be held  
1st and 3d [2d and 4th] Mondays of month; term of appointive  
officers 2 years; term of elective officers to begin Jan. 1 [Monday  
of month succeeding election]. 2§ '06 ch.202, 2 My
- w N. J. Supplementing '98 ch.15 rel. to newly created municipali-  
ties: term "real estate" to include all public improvements; in-  
debtedness incurred therefor to remain indebtedness of muni-  
cipality. 2§ '06 ch.261, 17 My
- x N. Y. Misc. provisions rel. to villages over 14,000. Adds  
art.13A to village law '97 ch.414. 12§ '06 ch.34, 13 Mr
- y N. Y. Amdg. village law '97 ch.414 §59 rel. to submission of  
propositions at special village elections. 1§ '06 ch.57, 15 Mr
- z N. Y. Rev. charter of city of Auburn. 132§ '06 ch.185, 11 Ap
- za N. Y. Rev. charter of village of Ossining. 166§  
'06 ch.242, 16 Ap

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- zb **N. Y.** Rev. charter of city of Hornellsville and changing name to Hornell. 234§ '06 ch.288, 20 Ap
- zc **N. Y.** Uniform charter of cities of 2d class. 231§ '06 ch.473, 16 My
- zd **N. Y.** Rev. charter of city of Elmira. 248§ '06 ch.477, 17 My
- ze **N. Y.** Generally amdg. city charter of Ogdensburg. 14§ '06 ch.494, 19 My
- zf **N. Y.** Misc. amdts. to charter of city of Rome, '04 ch.650. 17§ '06 ch.651, 25 My
- zg **R. I.** Rev. charter of city of Newport. 34§ '06 ch.1392, 19 Ap
- zh **Va.** Rev. charter of city of Norfolk. 64§ '06 ch.170, 14 Mr

2439

**Annexation and exclusion of territory**

*See also 2443*

- a **Ia.** Amdg. C. §622: severance of territory from towns and cities when property not subdivided into lots and there are no resident owners. 1§ '06 ch.19, 17 F
- b **Kan.** Declaring unconst. '93 ch.66 §2 rel. to detachment of vacated town sites, from city of which a part. Authorizes change of boundary of city by special law in violation of Const. art.12 §1. Davenport v. Ham 83 P. 398 (1905)
- c **Ky.** Amdg. '94 ch.100 art.3 §2, 9, 10, 12, 13: annexation and exclusion of territory in cities of 2d class; liabilities; rights of electors to vote; rights of taxpayers. 6§ '06 ch.19, 13 Mr
- d **N. J.** Supplementing '00 ch.83: city annexing portion of township or municipality to be liable for indebtedness incurred for sewer or drain in annexed district. 1§ '06 ch.184, 2 My
- e **Va.** Amdg. '04 ch.99 §11 rel. to extension of corporate limits of cities and towns: removal of residence of district or county officer from annexed part to other part of city or town not to vacate office. 1§ '06 ch.184, 14 Mr
- f **Va.** "An act to provide for consolidation or annexation of cities." 29§ '06 ch.221, 15 Mr

2442

**Classification of cities**

- a **Ky.** Reassignment of cities and towns in 6 classes. 1§ '06 ch.101, 21 Mr
- b **N. Y.** Amdg. village law '97 ch.414 §40: classification of villages according to village, *state or federal* census. Rep. §310 which required village enumeration. 2§ '06 ch.602, 23 My
- c **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.12 §2 rel. to classification of cities: 1st class comprises cities of 175,000 [250,000] or more; 2d class, 50,000 to 175,000 [250,000]; 3d class, under 50,000. '06 p.1896, 2 My
- d **Va.** To provide for transition of cities of 2d class to 1st class. 15§ '06 ch.32, 17 F
- e **Va.** Organization and gov't of municipalities becoming cities of 2d class under C. §1013b. 22§ '06 ch.147, 10 Mr

## MUNICIPALITIES

2443

### Consolidation

*See also 2439*

- a **Pa.** Declaring unconst. '05 ch.161 rel. to annexation of smaller contiguous city to larger in same county. Special legislation.  
Sample v. City of Pittsburg 62 A. 201 (1905)
- b **Pa.** Consolidation of cities: lesser of 2 contiguous or neighboring cities with intervening land other than boroughs may be annexed to larger; procedure; apportionment of debts. 12§  
'06 ch.1, 7 F

2448

### Printing

- a **N. Y.** Amdg. '98 ch.182 §29: designation of official newspapers in cities of 2d class; common council may prescribe form in which proceedings and reports of officials to be published and contract for printing to be awarded as other city contracts. 1§  
'06 ch.277, 19 Ap

2449

### Records

- a **Cal.** Provision for transcribing local records damaged by public calamity. 4§  
'06 ch.54, 16 Je

2454

### Wards

- a **N. J.** Supplementing '05 ch.69: division of city of 2d class into wards not to be made within 5 years of previous division. 2§  
'06 ch.41, 27 Mr
- b **N. J.** Town may change boundary lines of wards to equalize territory and population thereof. 1§  
'06 ch.49, 28 Mr
- c **Va.** Amdg. '03 ch.112: cities may be redistricted into wards but once in 5 years except on  $\frac{3}{4}$  vote of city council. 4§  
'06 ch.119, 10 Mr

2455

### Legislative body. Council

- a **Md.** Creating Dep't of Leg. Reference of Baltimore: to consist of mayor, city solicitor, presidents of Johns Hopkins Univ., of Municipal Arts Society and of Merchants' and Manufacturers' Ass'n of Baltimore city; to employ statistician as executive officer at \$2000 or more; to collect data on leg. subjects and aid in preparation of bills on request of mayor, council or head of city dep't. Adds C. of Public Local Laws art.4 §208A-C. 3§ '06 ch.565, 9 Ap
- b **N. J.** Municipality of 10,000 governed by bd of com'rs or improvement com'n to elect 2 additional com'rs, president and com'r at large; powers and duties of president; meetings; ordinances and resolutions. 9§  
'06 ch.155, 26 Ap
- c **O.** Amdg. '02 (ex. sess.) p.20 §123: council of city or village required to hold but 1 meeting a week; meeting to be public; special meetings. 2§  
'06 p.88, 22 Mr
- d **Va.** Amdg. C. §173: clerk of city council, common council or bd of aldermen may administer oaths and take affidavits, such as allowed to any justice. 1§  
'06 ch.169, 14 Mr

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2456

## Aldermen at large

- a N. Y. Amdg. '04 ch.300 §15 subdiv. 2-3, §121 rel. to election of common council of city of Niagara Falls. 2§ '06 ch.392, 10 My

2457

## Incompatibility

- a La. Amdg. '98 ch.136 §21: alderman not to hold other office under municipality except as provided in '98 ch.136 §19, 23; not to be interested in public contracts, or act as surety. 1§ '06 ch.139, 10 Jl

2459

## Number

- a Ark. Amdg. S.'04 §5655: election and discontinuance of aldermen on formation of new city wards. '05 ch.275, 6 My

2463

## Ordinances

2465

## Enactment

- a La. Police juror or member of mun. council having personal interest in ordinance to declare it, and refrain from voting: penalty. 2§ '06 ch.200, 12 Jl

2468

## Mayor

- a N. Y. Powers of mayor of city of Kingston. Adds '96 ch.747 §115a. 1§ '06 ch.108, 23 Mr

2469

## Salary

- a Va. Amdg. C. §1035: council may appropriate \$900 for mayor's salary, notwithstanding provision of charter, on submission to vote. 1§ '06 ch.123, 10 Mr

2473

## Municipal civil service

*See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.*

- a N. J. Amdg. '97 ch.161 §8: officers of borough to take oath of office within 30 [10] days *after commencement of term of office* [after election or appointment]. 1§ '06 ch.1, 23 Ja
- b N. J. Officers of municipality to take oath of office before entering on duties. 3§ '06 ch.3, 19 F
- c Va. Cities and town may appoint officers and employees additional to those authorized by charters and fill vacancies for unexpired term. 1§ '06 ch.24, 17 F

2474

## Appointments. Election

- a N. J. Officers elected by governing bd of city to be separately nominated and elected by separate ballot. 2§ '06 ch.108, 12 Ap
- b N. J. "An act relative to appointment of public officers in cities." 2§ '06 ch.150, 24 Ap
- c N. Y. Common council in cities of 2d class may fill vacancies in office of ward supervisor. Adds '98 ch.182 §433. 2§ '06 ch.448, 14 My

## MUNICIPALITIES

2474

- d O. Amdg. '02 (ex. sess.) p.20 §205 rel. to filling of vacancies in village bd of trustees of public affairs. 2§ '06 p.252, 2 Ap
- e Pa. Rep. '05 ch.242 and reviving portions of '85 ch.33 art.3 §1, art. 12 §1 rel. to mayor's power of appointment and removal in city of 1st class. 4§ '06 ch.19, 19 Mr

2475

### Bonds

- a N. J. Bd of aldermen or common council in 3d class cities may prescribe bonds for mun. officers. 2§ '06 ch.31, 24 Mr

2476

### Qualifications

- a N. Y. Amdg. village law '97 ch.414 §42 rel. to qualifications of officers and eligibility to more than 1 office. 1§ '06 ch.452, 15 My

2477

### Salaries. Fees

- a N. J. Ordinance reducing salary of elective borough officer invalid as to officer whose term commences on Jan. 1 after passage unless finally passed before time for acceptance of nominations. 1§ '06 ch.97, 10 Ap

2478

### Tenure of office. Discipline

- a Cal. Amdg. Const. 1879 art.20 §16: provision of mun. charter to control tenure of office of employee. 1§ Adopted Nov. 1906. '05 p. 1063, 7 Mr
- b O. Amdg. R.S. §222, 567, 1442, 1445, 1448, 1451, 1452: providing even-year terms for township and mun. officers according to Const. 1851 art.17 §1 amended in 1905. 8§ '06 p.171, 31 Mr
- c O. Amdg. '02 (ex. sess.) p.20 §117, 133 rel. to appointment of city officers according to Const. 1851 art.17 §1 amended in 1905: term of councilmen and auditor to be 2 years. 3§ '06 p.195, 2 Ap
- d Pa. Amdg. '85 ch.33 art.12 §2, art.15 §1 subdiv. 10 rel. to officers and employees of cities of 1st class: removal and suspension; participation in politics. 2§ '06 ch.4, 15 F

2480

### Special officers

2482

#### Attorney

- a Ky. Amdg. '94 ch.100 art.6 §21 and rep. §26: providing for appointment of city solicitor in cities of 2d class in which office had been abolished. 2§ '06 ch.125, 22 Mr

2484

#### Clerk

- a Ky. Amdg. S.'03 §3133: gen. council in cities of 2d class may create office of deputy city clerk to be appointed by city clerk. 1§ '06 ch.65, 21 Mr

**2492 County and township government**

Includes provisions relating to the Louisiana parish. *See also* specific functions of counties and towns—Roads, Charities, Drainage, etc.

**2493 Boundaries**

- a **Ga.** Towns or cities of 500 situated in more than one county may hold election to change county lines bringing such town or city wholly within one county. 2§ '06 p.121, 7 Ag
- b **N. J.** Territorial limits of seacoast counties extended parallel to ocean shore line and 3 miles distant therefrom. 3§ '06 ch.260, 17 My

**2407 County records**

*See also* 396, Conveyance; 2522(5), Recorder

- a **Cal.** Restoration of records in county or city and county recorders' offices, when damaged by public calamity. Adds P.C. §4248. 1§ '06 ch.56, 16 Je
- b **Mass.** Amdg. R.L. ch.22 §12 authorizing register of deeds to attest unattested records of predecessor. 1§ '06 ch.67, 13 F

**2498 New counties. Consolidation. Division**

- a **Ga.** Amdg. Const. 1877 art.11 §1 ¶2 creating county of "Ben Hill": boundaries; county site; officers; election of. 3§. Adopted Oct. 1906. '06 p.28, 31 J1
- b **Ky.** Amdg. S.'03 §919-20 rel. to time and manner of holding election for submitting question as to division of county. 2§ '06 ch.61, 21 Mr

**2501 Governing body**

- a **Ky.** Amdg. '92 ch.101 §8 rel. to powers of fiscal court of county: treatment and maintenance of sick poor; furthering of immigration. 1§ '06 ch.73, 21 Mr

**2503 Clerk**

- a **Tex.** Declaring unconst. R.S.'95 art.1096 in so far as it provides a method of determining whether a county is entitled to more than 1 clerk. Conflicts with art.8 §16 of state Const. Brooke v. Dulaney 93 S.W. 997 (1906)

**2504 Election. District. Vacancies. Number. Term**

- a **Id.** Amdg. Const. 1889 art. 18 §10: county com'rs to be elected of supervisors: partial renewal, *biennially* [annually]; eligibility. 2§
- b **Ia.** Amdg. C. §410-11 rel. to election and term of county bd of supervisors: partial renewal, *biennially* [annually]; eligibility. 2§ '06 ch.12, 10 Ap
- c **La.** Vacancy in office of police juror to be filled by special election ordered by Gov. 2§ '06 ch.59, 2 J1



COUNTY AND TOWNSHIP

2504

- d **La.** Amdg. '84 ch.94 §1: police juror to be *elected* [appointed]; additional juror for each ward of 10,000 [5000]; additional juror for each 10,000 [5000] in excess of 7500 [2500]; *not to apply to parishes under 50,000.* 2§ '06 ch.196, 12 J1
- e **N. J.** Prescribing manner of filling vacancy in office of chosen freeholder. 3§ '06 ch.27, 24 Mr

2509

**Reports. Records**

- a **Va.** Provision for signing records of bd of county supervisors when chairman has died or become incapacitated. 2§ '06 ch.40, 20 F

2510

**Salaries. Fees**

- a **Va.** Amdg. C. §848 rel. to compensation of county supervisors. 1§ '06 ch.155, 12 Mr

2512

**County civil service**

*See also 38(2, Civil service examination; 2588, Financial officers. Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.*

- a **Id.** Amdg. Const. 1889 art.18 §6 rel. to county, township and precinct officers. 3§. Rejected Nov. 1906. '05 p.439, 1 Mr

2513

**Appointment. Election**

- a **Ia.** Amdg. C. §1072: *all* county officers to be elected in even numbered years [part in odd years]. 1§ '06 ch.39, 10 Ap
- b **N. J.** Amdg. '02 ch.34 §6: bd of chosen freeholders may fill vacancy in county office for 1 year *and thereafter appoint for 2 years.* 1§ '06 ch.257, 17 My

2514

**Oath. Installation**

2515

**Bonds**

- a **Md.** Rate of premium county may pay on bond of county official, limited to ½% a year on penalty of bond. Adds C.'04 art.25 §18A. 1§ '06 ch.413, 3 Ap

2517

**Salaries. Fees**

- a **N. J.** Fixing salaries of surrogate, register of deeds, county clerk and sheriff in other than 1st class county; fees to be paid monthly to county collector. 5§ '06 ch.53, 30 Mr
- b **O.** Probate judge, county auditor, treasurer and recorder, clerk of Court of Common Pleas and sheriff to receive salary in lieu of fees; appointment and salary of clerks and assistants; maximum salary \$6000. 23§ '06 p.89, 22 Mr
- §15 amended. '06 p.117, 22 Mr
- c **O.** Amdg. R.S. §1183, 4506, 4664: fees of county surveyor and of others employed in laying out of county ditches and roads. 4§ '06 p.296, 2 Ap

**2519 Special officers**

**2522(5) Recorder. Register of deeds**

- a **Ia.** Amdg. C. §498: county recorders to keep permanent record of fees. 1§ '06 ch.16, 10 Ap
- b **Mass.** Amdg. R.L. ch.11 §320: term of register of deeds 5 [3] years. 1§ '06 ch.76, 16 F
- c **Neb.** Declaring unconst. '05 ch.47 rel. to election of registers of deeds and extending terms of office. Leg. can not appoint county officers nor by act solely for that purpose extend terms of such officers. State v. Plasters 105 N. W. 1092 (1905)
- d **N. J.** Amdg. '04 ch.18 §1: in county of over 115,000 [99,000] register of deeds to be elected; proviso. 1§ '06 ch.135, 20 Ap

**2523 Surveyor. Engineer**

See also 386, Property lines

- a **O.** Amdg. R.S. §1163, 1166-67, 1178, 1181, 1183 rel. to term, duties and compensation of county surveyor. 7§ '06 p.245, 2 Ap

**2526 Township. Towns**

Under this head are included governments that constitute the primary division of the county. In the New England States and in New York and Wisconsin towns are primary divisions of the county and are classed here; in many states they are densely populated incorporated communities and are classed with municipalities. In Illinois and Minnesota the primary division of the county is called both "town and township" and in Illinois there are besides a number of incorporated towns.

- a **N. J.** Supplementing '99 ch.169: townships under 8000 to be divided into 3 or more wards; method of division; membership of township committee. 10§ '06 ch.158, 30 Ap

**2530 Organization. Division. Consolidation. Dissolution**

- a **Mo.** Declaring unconst. R.S. '89 §8427 rel. to voting for or against township organization. Conflicts with art.9 §8 of state Const. State v. Gibson 94 S. W. 513 (1906)
- b **N. J.** Provision for continuance of certain officers of township residing in town set off; governing body of said town to act as com'rs of appeal rel. to taxation. 5§ '06 ch.175, 1 My
- c **O.** Division and transfer of township funds when village is created out of portion of township or townships. Adds R.S. §1565a. 2§ '06 p.129, 28 Mr

**2533 Boards. Officers**

Laws relating to election, salary etc. of a particular officer are classified under the name of the officer.

- a **N. J.** Amdg. '99 ch.169 §7 rel. to date of filing oath of office by township officers. 2§ '06 ch.329, 14 Ag

**2535 Salaries. Fees**

- a **N. J.** Amdg. '99 ch.169 §12: township committee to receive \$2 a day for each day employed [meeting]; total amount not to exceed \$50 [\$200]. 1§ '06 ch.40, 27 Mr

## LOCAL FINANCE

2536

### *Tenure of office*

- a O. Amdg. R.S. §222, 567, 1442, 1445, 1448, 1451-52: providing even-year terms for township and mun. officers according to Const. 1851 art.17 §1 amended in 1905. 8§ '06 p.171, 31 Mr

2538

### *Special officers*

*See also* 2588, Financial officers

2542

### GOVERNING BOARD

- a Ia. Amdg. C. §1074: *biennial* [annual] renewal of township trustees, elected for 2 [3] years' term. 2§ '06 ch.37, 10 Ap

2550

## Local finance

Only the *purely* financial matters are here placed. Authorization of taxes, assessments, bonds etc. for special municipal purposes—schools, libraries, lights, streets, etc. are classified under these heads. They are however also *indexed* under Taxes etc. Miscellaneous provisions as to assessment and collection of taxes in local bodies are under Taxation, as such provisions usually apply to all classes of taxes. *See* particularly 2237, School finance.

2552

### Property

2553

#### Lands. Purchase. Sale. Lease

- a O. Amdg. '02 (ex. sess.) p.20 §12, 13, 18, 24: proceedings on appropriating land for municipality; sale or lease of site for passenger railroad station. 5§ '06 p.164, 31 Mr

2555

### Buildings and grounds

2556

#### *Municipal*

- a N. J. City of 1st class may issue bonds not to exceed \$350,000 for erection of buildings for fire and police dep't. 1§ '06 ch.23, 24 Mr
- b N. J. Providing for removal of city offices to suitable buildings; cost of removal and repairs not to exceed \$20,000. 2§ '06 ch.223, 14 My
- c N. J. Proceeds of sale of unused city property to be applied toward erection of buildings for transacting public business: appraisal; issue of temporary loan bonds to 90% of valuation. Supplements '87 ch.134. 4§ '06 ch.253, 17 My
- d N. J. Borough council may issue certificates of indebtedness to \$6000 to purchase building for use of council and fire dep't. 1§ '06 ch.276, 18 My

2557

#### *County*

- a O. Amdg. '04 p.111 §1: compensation of com'n appointed to erect county building limited in aggregate to 2½% of amount appropriated for construction. 2§ '06 p.53, 14 Mr

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2559

**Property and supplies generally**

2560

*Contracts*

- a **N. J.** Notice of application for writ of certiorari reviewing contract made by municipality adopting '02 ch.107. 1§  
'06 ch.246, 17 My
- b **O.** Amdg. R.S. § 798 rel. to letting of contract for county bridge or building: contract under \$200 [\$1000] may be let by private contract; contract under \$1000 to require posting of notice in county com'rs' or auditor's office. 2§  
'06 p.19, 26 F

2561

**OFFICERS INTEREST IN CONTRACTS**

- a **S. C.** Msdr. for county supervisors or com'rs to sell supplies to county during term of office. 2§  
'06 ch.72, 24 F

2562

*Gifts. Bequests. Trusts*

- a **Ia.** Amdg. C. §585: townships may receive money or property for maintaining libraries, township halls, cemeteries or for other public purposes. 1§  
'06 ch.17, 26 F

2565

*Stationery and supplies*

- a **N. Y.** Creating office of purchasing agent for Onondaga county. 5§  
'06 ch.20, 26 F

2566

**Taxes**

*See also 2577, Tax levy*

- a **N. Y.** Rev. laws rel. to dep't of assmt. and taxation of city of Syracuse. 43§  
'06 ch.75, 21 Mr

2569

**Special assessments**

*See also Special purposes of assessments, streets, sewers, drains etc.*

- a **Ga.** Public property subjected to same assmts. for improvement of streets or sidewalks as private property. 2§  
'06 p.119, 17 Ag
- b **Mass.** Special assmts. for highways, public alleys, sewers and sidewalks in city of Boston. Rep. '91 ch.323, '02 ch.521. 11§  
'06 ch.393, 16 My
- c **N. J.** In city adopting '02 ch.107, notice by publication to be given of intent to introduce ordinance for public improvement, expense to be borne by land specially benefited. 1§  
'06 ch.187, 2 My
- d **N. J.** Amdg. '86 ch.161 §11 rel. to bd of com'rs of assmt. in city with no charter provision; membership of bd; certificate of assmts. to be lien on abutting property; reassmt. 2§  
'06 ch.209, 3 My

2572

*Collection*

- a **Ia.** Amdg. C. §975 as to special assmts. in cities under special charter: to be lien from date of resolution of council *levying the same*. 1§  
'06 ch.31, 15 Mr

## LOCAL FINANCE

2575

### Budget. Accounts

2577

#### Appropriation. Tax levy. Expenditures

- a **Ky.** Regulating revenue laws in counties, cities, other than 1st and 2d class, and towns according to Const. 1891 §157, 180 rel. to manner and rate of tax levy. 6§ '06 ch.81, 21 Mr
- b **N. J.** Tax rate for county, school district or local purposes to be gradually reduced to 1¾%; rate for county purposes alone to ½%. 6§ '06 ch.116, 13 Ap
- c **N. J.** Supplementing '98 ch.139: schedule of appropriations may be placed on primary ballots in municipalities where tax levy fixed by vote of people. 1§ '06 ch.296, 24 My
- d **N. Y.** Amdg. '98 ch.182 §19: appropriation ordinance in cities of 2d class requires *majority* [¾] vote of members of common council. 1§ '06 ch.52, 14 Mr
- e **S. D.** Declaring unconst. '99 ch.41 §3 rel. to levy and limitation of county taxes. Impairs obligation of contracts.  
Fremont v. Pennington County 105 N. W. 929 (1905)
- f **Tex.** Amdg. Const. 1876 art.8 §9: county, city or town tax of 1½ mills on \$1 may be levied to pay jurors. 2§. Rejected Nov. 1906. '05 p.411, 15 Ap
- g **Va.** Amdg. C. §834: county supervisors may issue warrants for claims not exceeding amount of annual tax levy *and surplus*. 1§ '06 ch.111, 9 Mr
- h **Va.** Amdg. C. §847: *semiannual* [annual] statement of receipts and expenditures by county supervisors; form of annual budget. 1§ '06 ch.303, 17 Mr

2578

#### Limit of taxation

- a **La.** Maximum rate of parochial and mun. tax to be 8 [10] mills: exceptions. 3§ '06 ch.64, 4 Jl
- b **N. J.** Limitation of tax rate in chartered town to 1½ mills removed. 1§ '06 ch.199, 2 My

2579

#### Examination and audit

- a **N. Y.** Amdg. town law '90 ch.569 §162 rel. to auditing of accounts: member of town bd or bd of town auditors to present no claim for labor or material of himself or agent other than that for attendance at meetings. 1§ '06 ch.505, 19 My

2581

#### Reports

- a **Ky.** Amdg. S.'03 §1846 rel. to publication of annual statement on financial condition of county. 1§ '06 ch.60, 21 Mr

2583

#### State supervision. Uniform accounts

*See also 856, State accounts*

- a **Ia.** To provide for uniform system of mun. accounts: Auditor of State to prescribe system of accounts and form of annual financial reports; biennial exam. of accounts in cities of 5000 by examiners of mun. accounts appointed by Auditor; exam. of cities under 5000 on application. 8§ '06 ch.34, 5 Ap

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2583

- b **N. Y.** Amdg. '05 ch.705 §6: salary of chief accountant of mun. accounts in Compt.'s office *not over* \$2500. 1§ '06 ch. 59, 15 Mr

2586

## Claims. Judgments

- a **N. Y.** Amdg. '01 ch.466 §261: claims against city of N. Y. for damages to personal property caused by maintenance of nuisance to be brought within 1 year. 1§ '06 ch.550, 22 My

2587

## Funds

- a **Ia.** Township hall funds may on petition of electors be transferred to road fund. 1§ '06 ch.18, 10 Ap

2588

## Financial officers

2589

### Municipal

- a **N. Y.** Creating bureau of mun. investigation and statistics under N. Y. city dep't of finance: compt. to appoint chief and employees; officials in charge of city property or funds to report disbursements and statistics. Adds §149a, 151 subdiv.6 to Greater N. Y. charter '01 ch.466. 2§ '06 ch.190, 11 Ap

2593

### County

- a **Ark.** Amdg. S.'04 §3508 rel. to fees allowed county treasurer. 2§ '05 ch.345, 11 My
- b **O.** Amdg. R.S. §1069 rel. to compensation of county auditor: to receive *no fees* [1%] on levies made by school bds. 2§ '06 p.6, 13 F

2597

## Debts. Bonds

*See also* 2245, School finance; 2684, Parks

- a **Cal.** Amdg. Const. 1879 art.11 §18: city and county of San Francisco, city of San José and town of Santa Clara may defer accumulation of sinking fund till not exceeding  $\frac{1}{4}$  of time till maturity of indebtedness which shall not exceed 75 years. Adopted Nov. 1906. '06 p.91, 12 Je
- b **Id.** Amdg. Const. 1889 art.8 §3: local divisions may incur public indebtedness on *majority* [ $\frac{2}{3}$ ] vote at special election. 4§. Rejected Nov. 1906. '05 p.435, 10 Mr
- c **Ia.** Amdg. and supplementing C. §1306b, '04 ch.43: cities [of 2d class] and incorporated towns may incur debts for waterworks, *electric, gas and heating plants* or sewers not to exceed total of 5% [ $2\frac{1}{2}\%$ ] of taxable property; bond issue on submission to vote. 5§ '06 ch.49, 30 Mr
- d **Ky.** Rep. '04 ch.111 which authorized incurring of indebtedness by cities of the 4th class to pay bonded debts contracted prior to Const. 1891. 1§ '06 ch.70, 21 Mr
- e **La.** Amdg. Const. 1898 to authorize New Orleans to issue \$8,000,000 of public improvement bonds. 12§. Adopted Nov. 1906. '06 ch.19, 25 Je

## LOCAL FINANCE

2597

- f **La.** Parishes and mun. authorities may issue bonds, to be met by special taxes, for public improvements. 4§ '06 ch.84
- g **La.** Amdg. '99 ch.5 §1, 22-25 rel. to issuance of bonds by municipalities, parishes and drainage districts, for public improvements and levying special taxes to meet same. 5§ '06 ch.95, 7 Jl
- h **Mo.** Amdg. Const. 1875 art.10 §12: political corp. with assent of  $\frac{2}{3}$  voters may become indebted to amount greater than annual revenue *for grading, constructing, paving and maintaining roads*. Adopted Nov. 1906. '05 p.309
- i **N. Y.** Amdg. Greater N. Y. charter, '01 ch.466 §48 rel. to action of bd of aldermen on bond issues. 1§ '06 ch.636, 24 My
- j **O.** Amdg. R.S. §2835, 2835b, 2836-37 rel. to issuance and sale of bonds by municipalities; tax levy; vote on bond issue. 5§ '06 p.63, 22 Mr
- k **Va.** Towns may issue bonds to provide for water supply, fire protection, school buildings, street and sewer improvements, on submission to vote; regulations. 1§ '06 ch.148, 10 Mr

2598

### Limitation of indebtedness

- a **N. Y.** Referring to next Leg. amdt. to Const. 1894 art.8 §10: debts incurred for water supply by cities of 2d class after Jan. 1, 1908 not to be included within const. limit of indebtedness. '06 p.1897, 1 My
- b **S. C.** Amdg. Const. 1895 art.8 §7: city of Bennettsville may increase bonded indebtedness beyond 8% of taxable property for establishment and maintenance of waterworks or sewerage plant on submission to popular vote. 1§. Adopted by people Nov. 1906 but must be ratified by Leg. '06 ch 198, 23 F

2599

### Temporary debt

- a **N. J.** Municipalities and townships may borrow money in anticipation of taxes not to exceed 90% of taxes exclusive of county taxes or 90% of cost of public improvements. 3§ '06 ch.315, 19 Je

2600

### Deposits and depositories

- a **N. Y.** Town supervisor may purchase bond of surety co. doing business in state to secure deposits in bank, at town's expense. Adds §60a to town law '90 ch.569. 1§ '06 ch.81, 21 Mr
- b **O.** County, mun. or school treasurer and their sureties on loss of public funds without negligence may be released from liability; procedure; submission to vote. 4§ '06 p.120, 28 Mr
- c **O.** Amdg. R.S. §1513: deposit of township funds in banks; competitive bidding required 'when township contains 2 or more banks. 2§ '06 p.185, 31 Mr
- d **O.** Generally. amdg. '94 p.403 §1-9 rel. to county depositories: county com'rs to designate bank, *banks or trust companies*, in each county [where depositories not otherwise authorized]. 11§ '06 p.274, 2 Ap

**Police,** *see* 872

2603

**Fire department**

*See also* 1092, Fires

- a **Mass.** Amdg. R.L. ch.32 §49: towns 500 to 2000 may establish fire dep'ts. 1§ '06 ch.63, 12 F
- b **N. J.** To establish fire and police com'ns in cities of 2d class under 35,000, on submission to vote. 21§ '06 ch.270, 18 My
- c **N. Y.** Amdg. county law '92 ch.686 §37: com'rs of fire districts in county may make contracts for supply of water for fire purposes for not over 5 years; payment for same; election for fire com'rs. 1§ '06 ch.249, 16 Ap
- d **S. C.** Amdg. C.C. §1957: towns of 100 [500] to 1000 may equip and control fire dep't. 1§ '06 ch.9, 2 F

2606

**Finances**

2608

**Property**

- a **N. Y.** Amdg. town law '90 ch.569 §171: electors of water supply district may vote to purchase fire engine and apparatus and lease or purchase building for same. 1§ '06 ch.373, 10 My

2611

**Independent and volunteer companies**

- a **N. J.** Supplementing '05 ch.175 rel. to raising collection and payment of money for volunteer firemen. 2§ '06 ch.310, 12 Je

2612

**Officers**

*See also* 1093, Fire marshal

2613

**Appointment and removal**

- a **N. J.** Member of fire dep't on dismissal, suspension, retirement or reduction in rank entitled to summary review of proceedings by justice of Supreme Court. 5§ '06 ch.42, 27 Mr
- b **N. J.** In city of 2d class having paid fire dep't, bd with power to appoint members of dep't to appoint chief. 1§ '06 ch.177, 1 My
- c **N. J.** Amdg. '92 ch.281 §1 rel. to battalion chiefs of fire dep't in cities of 1st class: to be chosen from members of fire dep't; salary limited to \$2000 [\$1400]. 1§ '06 ch.224, 14 My

2616

**Pensions. Relief**

- a **Mass.** Amdg. '02 ch.108: \$15,000 [\$12,000] annual appropriation to Mass. State Firemen's Ass'n. 3§ '06 ch.171, 16 Mr
- b **Mass.** Amdg. R.L. ch.32 §81: city may pension disabled call fireman or substitute call fireman. 1§ '06 ch.476, 14 Je
- c **N. J.** Supplementing '85 ch.122 rel. to firemen's relief ass'ns: official bonds; appointment of auditor; supervision of ass'ns by N. Y. State Firemen's Ass'n. 6§ '06 ch.196, 2 My
- d **N. Y.** Amdg. '95 ch.615 §1: \$500 to be paid by city to representative of volunteer fireman dying from injuries incurred in service. 1§ '06 ch.49, 13 Mr



## MUNICIPAL UTILITIES

2617

### Salaries

- a **N. J.** Provision for increasing salaries of firemen in cities of 1st class, on submission to vote. Supplements '85 ch.250. 3§  
'06 ch.242, 17 My

2619

### Firemen's associations

- a **Md.** \$1000 annual appropriation for Md. State Fireman's Ass'n. 2§  
'06 ch.46, 6 Mr
- b **Mass.** Firemen's ass'ns may parade with music on Firemen's Memorial day, 2d Sunday in June. 1§  
'06 ch.139, 7 Mr

2620

### Public works. Public improvements

*See also 1054, Cemeteries; 1063, Morgue*

- a **Ark.** Amdg. S.'04 §5665: municipality to be laid off in improvement districts on petition of 10 owners [resident owners] of real property. 2§  
'05 ch.112, 27 Mr
- b **Id.** Amdg. Const. 1889 art.8 §4: local divisions may vote donations to works of internal improvement on submission to voters at special election; provisos. 4§. Rejected Nov. 1906. '05 p.435, 10 Mr
- c **La.** Amdg. Const. '98 art.281: municipalities, parishes, *school*, drainage and *sewerage* districts on vote of taxpayers may issue bonds for permanent public improvements; mun. councils may create sewerage districts; drainage districts, on vote of electors may levy acreage tax. 1§. Adopted Nov. 1906. '06 ch.122, 9 JI
- d **N. J.** Amdg. '97 ch.66 §1: town may *improve highway, street, sewer, underground drain or culvert or make other improvement* [construct sidewalk]. 1§  
'06 ch.21, 20 Mr
- e **N. J.** Amdg. '00 ch.99 §1 rel. to purchase of land by city bordering on Atlantic ocean: bond issue not over \$100,000 [\$250,000], on submission to vote. 2§  
'06 ch.80, 4 Ap
- f **N. J.** Amdg. '95 ch.113 §46: town ordinance for street improvement or construction of sewer *petitioned for by owners of 1/6 of land fronting street* may be adopted by majority [ $\frac{2}{3}$ ] vote of members of council. 2§  
'06 ch.179, 2 My
- g **N. Y.** Amdg. Greater N. Y. charter '01 ch.466 t.4 subchapter 17 rel. to opening of streets and parks. 33§  
'06 ch.658, 29 My

2627

### Municipal utilities (general)

*See also 1337, Street railways*

- a **N. J.** Corp. owning public franchise not to dispose of stock for less than par, or of its bonds and notes for less than 80% of face value; Sec. of State to be notified of issue; false affidavit perjury. 4§  
'06 ch.331, 14 Ag

2628

### Franchises (general)

*See also 1298, Railways; 1362, Street railways; 2635, Electricity and gas*

- a **Md.** Amdg. Code of Public Local Laws art.8 §4 rel. to granting of franchises in city of Baltimore. 1§  
'06 ch.152, 23 Mr
- b **Md.** Amdg. Code of Public Local Laws art.4 §37 rel. to granting of franchises in city of Baltimore. 1§  
'06 ch.357, 3 Ap

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- c **N. J.** Franchise may be granted by ordinance for 20 years; for longer term but not exceeding 40 years ordinance granting must be submitted to popular vote. 8§ '06 ch.36, 27 Mr
- d **N. J.** Com'n to be appointed to investigate feasibility of law for division of profits of public utility corporations between corporations and municipalities granting franchises; report to Leg. of 1907. 3§ '06 p.745, 22 My
- e **N. Y.** Copy of franchise granted by village to be filed with village and county clerk. Adds §82a to village law '97 ch.414. 1§ '06 ch.397, 10 My
- f **N. Y.** Amdg. village law '97 ch.414 §89 subdiv. 9: village owning and using electric light plant or waterworks not to grant franchises for placing of poles, wires or pipes without submission to vote. 1§ '06 ch.577, 23 My

2629

## Municipal ownership (general)

See also 1350, Street railways; 2635, Electricity and gas; 2650, Water; 2721, Toll roads

- a **N. J.** Amdg. '97 ch.161 §90: council on petition of owners of 1/4 [majority of] real estate in borough may submit to vote question of construction or purchase of water or sewerage plant; on remonstrance of owners of 1/2 real estate, no election to be called. 1§ '06 ch.90, 9 Ap
- b **N. J.** Borough council may submit question of mun. ownership of water and lighting systems to vote. 1§ '06 ch.126, 19 Ap
- c **O.** Council may levy 5 mill tax for support of village electric light plant and waterworks. 1§ '06 p.46, 14 Mr

2630

## Rates. Charges

- a **Ark.** In cities of 1st and 2d class, water, gas and electric companies to furnish printed tables showing price for each 1000 units, base charges on meter reading and charge according to printed tables. 4§ '05 ch.282, 6 My
- b **Or.** Prohibiting free passes and discrimination by public service corporations; annual statement of passes and reduced rates granted by corp. to be filed with Sec. of State. 5§. Adopted on initiative petition June 4, 1906 but enacting clause being omitted, law considered of no effect.

2633

## Electricity. Gas

2635

### Municipal plants

- a **Mass.** Amdg. '02 ch.449 §1: town may purchase electricity from street ry. co. for light and power. 1§ '06 ch.218, 31 Mr
- b **Mass.** Amdg. R.L. ch.34 §21 rel. to tax levy for mun. gas and electric plants: 3% [5%] of cost of plant, *exclusive of land and water power*, to be set aside for depreciation. 1§ '06 ch.411, 22 My
- c **N. J.** City owning light or water supply plant may develop electrical energy for light or power purposes; bond issue limited to \$500,000. 3§ '06 ch.98, 10 Ap

## MUNICIPAL UTILITIES

2635

- d **N. J.** Cities may erect, maintain and operate light, heat and power plants for public and private use: sale of output; employees; rates; may issue bonds; sinking fund; referendum. 8§

'06 ch.323, 5 J1

- e **N. J.** Com'n to be appointed to consider and investigate the advisability of legislation permitting municipalities to construct and maintain lighting and power plants for public or private consumption; report to Leg. of 1907. 2§

'06 p.743, 22 My

- f **N. Y.** Creating bd of mun. light com'rs for city of Jamestown. 7§

'06 ch.634, 24 My

2636

### Public lighting contracts

- a **O.** Amdg. R.S. §1536 subdiv. 581, 3550a, 3551 rel. to gas and electric light companies; contracts with municipalities. 4§

'06 p.150, 31 Mr

2638

### Companies

*See also 2035, Petroleum and gas*

- a **Md.** "An act to provide joint operation and cheaper service by lighting corporations." 1§

'06 ch.167, 3 Ap

2642

### Meters. Quality of light

- a **Mass.** Bd of Gas and Electric Light Com'rs to investigate feasibility of equipping gas fixtures with self-closing devices; report to Leg. of 1907.

'06 r.71, 12 My

- b **O.** Amdg. R.S. §1536 subdiv. 567: council of city or village in which gas, electric or water co. located may require meters to be furnished and repaired free. 2§

'06 p.170, 31 Mr

2643

### Rates

- a **Mass.** Fixing standard price and sliding scale to be charged for gas by Boston Consolidated Gas Co., subject to acceptance of act by co. 11§

'06 ch.422, 26 My

- b **N. Y.** Regulating quality and price of gas in N. Y. city. Rep. '97 ch.385. 5§

'06 ch.125, 3 Ap

- c **N. Y.** Amdg. '05 ch.733 §1 rel. to price of electric current furnished to city of New York. 1§

'06 ch.390, 10 My

- d **N. Y.** Amdg. '05 ch.732 §1: rates for furnishing electric current in N. Y. city, outside borough of Manhattan. 1§

'06 ch.616, 24 My

2645

### • Placing of poles, wires, pipes etc.

*See also 1133, Public safety; 2738, Opening street, disturbing pavement*

- a **Mass.** Amdg. R.L. ch.122 §2 as to procedure in locating poles and wires in towns. 1§

'06 ch.117, 1 Mr

- b **Mass.** Removal of wires and electrical appliances in city of Pittsfield to underground conduits. 9§

'06 ch.131, 7 Mr

- c **Mass.** Removal of wires and electrical appliances in city of Haverhill to underground conduits. 9§

'06 ch.391, 15 My

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2645

- d **Mon.** Declaring unconst. '05 ch.55 authorizing construction of telegraph, telephone and electric light or power lines, in so far as its application is limited to the country districts of the state. Special legislation.

State v. Mayor of City of Helena 85 P. 744 (1906)

2647

## *Property. Stocks*

- a **Mass.** To prevent stock and debt watering on consolidation of gas and electric light companies. 1§ '06 ch.392, 15 My
- b **Mass.** Gas companies may increase capital stock to \$1,400,000 [\$1,000,000] with consent of Bd of Gas and Electric Light Com'rs; proviso. 1§. Supplements R.L. ch.110 §32. '06 ch.437, 31 My

2648

## **Water**

*See also* 797, Public works (state); 1079, Pollution of water; 1180, Control of water

- a **N. J.** Amdg. '76 ch.197 §16 rel. to water supply in cities: if time for voting on adoption of act same as gen. election both to be consolidated; notice of election; form of ballot; manner of voting. 1§ '06 ch.28, 24 Mr
- b **N. Y.** Amdg. '05 ch.723 §2-5 rel. to State Water Com'n: salary \$5000 each; person or corp. supplying water to municipality not to condemn land till map and plan filed and approved by com'n; procedure; costs. 4§ '06 ch.415, 11 My
- c **N. Y.** Abolishing River Improvement Com'n created by '04 ch.734 and transferring powers and duties to State Water Supply Com'n. 4§ '06 ch.418, 11 My
- d **N. Y.** Amdg. public health law '93 ch.661 §71, 72 rel. to public water supplies: municipality or corp. furnishing same to make inspection of sources as State Com'r of Health may prescribe; maintenance of sewerage system to protect sewers; compensation for property taken; enforcement. 2§ '06 ch.582, 23 My
- e **O.** Bd of Health to investigate water and sewage purification systems in state; report to Leg. 1908; \$75,000. 2§ '06 p.11, 23 F

2649

## **Eminent domain**

- a **Va.** Cities may condemn property for watersheds and lands for water pipes. 1§ '06 ch.96, 8 Mr

2650

## **Municipal works**

- a **Ia.** Amdg. C. §745 as to purchase and erection of waterworks by cities of 1st class: granting of franchise to operate plant on foreclosure sale under mortgage; bond issue. 2§ '06 ch.23, 5 Ap
- b **Mass.** Disposition of moneys received from municipalities for admission to metropolitan water district. 2§ '06 ch.404, 21 My
- c **Mass.** Apportionment of annual assmts. for construction and maintenance of metropolitan water system. 1§ '06 ch.457, 6 Je

## PUBLIC WORKS SEWERAGE

2650

- d N. J. Amdg. '99 ch.95 §4: town council may extend water supply plant, cost not exceeding \$5000 a year, without submission to popular vote. 1§ '06 ch.216, 7 My
- e N. J. Amdg. '83 ch.136 §2: city furnishing water supply may lay mains through other municipalities; compensation having been offered and consent withheld, chancellor may act on petition. 1§ '06 ch.239, 17 My
- f N. J. Cities other than 1st class may own and operate water-works and reservoir. 15§ '06 ch.302, 8 Je
- g N. Y. Generally amdg. '05 ch.724 rel. to water supply of New York city. 9§ '06 ch.314, 24 Ap
- h N. Y. Amdg. Greater N. Y. charter '01 ch.466 §205: com'rs of sinking fund may lease land acquired outside city limits for sanitary protection of water supply, or grant easements thereon when intended use is consonant with protection of water. 1§ '06 ch.659, 31 My

2653

### Consumption

- a N. Y. Com'n of water supply, gas and electricity to meter certain water districts for acquiring information as to consumption and waste; to report to Bd of Estimate and Apportionment by Jan. 1, 1907 as to advisability of metering city and as to schedule of rates. 6§ '06 ch.611, 24 My

2655

### Water companies

- a N. J. Supplementing '76 ch.193: consent of corporate authorities required in certificate of incorp. of waterworks corp., to be to individual incorporators of proposed co. 2§ '06 ch.68, 2 Ap
- b N. J. Amdg. '76 ch.193: 7 persons may organize waterworks in any city, town, township, village, borough or other municipality of 500 [2000]. 2§ '06 ch.319, 22 Je
- c N. Y. Amdg. transportation corporations law '90 ch.566 §82 subdiv. 2: waterworks corp. may lay pipes in adjoining village of 12,000 with consent of local authorities. 1§ '06 ch.455, 15 My

2657

### Rates

- a O. Amdg. R.S. §1536 subdiv. 567: council of city or village in which gas, electric or water co. located may require meters to be furnished and repaired free. 2§ '06 p.170, 31 Mr

2661

### Sewerage. Garbage

*See also 797, Sewerage plants (state); 1079, Pollution of water; 1192, Drainage; 2707, Street improvement*

- a Ia. Amdg. C. §792-849 rel. to construction of sewers: assmt. on property owners in cities of 1st and 2d class when entire city comprises 1 sewer district. 1§ '06 ch.24, 9 Ap
- b Ky. Amdg. '94 ch.100 art.4 §31 rel. to sewer systems in cities of 2d class: construction on bonded sewer plan. 1§ '06 ch.129, 22 Mr
- c N. J. City under 12,000 may on submission to vote purchase or extend sewer system; assmt. of benefits; issue of improvement certificates; maintenance of system. 6§ '06 ch.96, 9 Ap

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- d **N. J.** Amdg. '82 ch.50 §11: officer serving notice in proceedings for construction of sewers to receive 50c fee. 1§  
'06 ch.183, 2 My
- e **N. J.** City council by  $\frac{2}{3}$  vote may provide for building of sewers and improvement of streets; procedure. 5§ '06 ch.321, 22 Je
- f **N. Y.** Amdg. public health law '93 ch.661 §21 as to construction of sewers in village on request of local bd of health; assmt. of expense. 1§ '06 ch.39, 13 Mr
- g **N. Y.** Amdg. '01 ch.348 §6: sewer com'rs of town may employ atty. and fix his compensation. 1§ '06 ch.85, 22 Mr
- h **N. Y.** Amdg. village law '97 ch.414 §260: bd of sewer com'rs of village may extend sewer system; proceedings for construction of sewer; filing map and plan; deviations from plan. 1§  
'06 ch.278, 19 Ap
- i **N. Y.** Com'n of 5 to be appointed by mayor of N. Y. city to continue work of N. Y. Bay Pollution Com'n appointed by '03 ch.539; to consider feasibility of establishing metropolitan sewerage district and best method of administration; report to mayor Feb. 1, 1909; \$15,000. 8§ '06 ch.639, 25 My
- j **O.** Bd of Health to investigate water and sewage purification systems in state; report to Leg. of 1908; \$75,000. 2§  
'06 p.11, 23 F

2663(5)

## Garbage

- a **Mich.** Council of Detroit may provide for collection of garbage and erection of garbage and refuse plant. 1§  
'05 (special acts) ch.670, 20 Je
- b **R. I.** City council of Providence may contract for removal of garbage etc.; term limited to 10 years. 1§ '06 ch.1374, 14 Mr

2664

## House connections

*See also 1106(5, Plumbing; 2739, Disturbing pavement*

- a **N. J.** Governing body of city of 1st class may construct house connections to water mains, in advance or during process of street paving. 2§ '06 ch.92, 9 Ap

2667

## Joint, trunk and outlet sewers

- a **Ia.** Construction and repair of main sewers in cities of 1st class. 5§ '06 ch.26, 9 Ap
- b **Mass.** Determining bases for annual assmts. on municipalities within metropolitan sewerage districts. 5§ '06 ch.369, 8 My
- c **N. J.** Amdg. '02 ch.124 §12: town bd of sewerage may acquire property and rights of way outside corporate limits to connect with trunk sewers, filtration or disposal works. 1§  
'06 ch.293, 23 My

2671

## Sewer assessments

- a **Ia.** Amdg. C. §801 rel. to publication of notices of sewer assmts. 1§ '06 ch.25, 9 Ap
- b **N. J.** "An act concerning assmts. for benefits conferred by construction of sewers and drains in cities. . ." 3§  
'06 ch.44, 27 Mr

## PUBLIC WORKS

2671

- c **N. J.** Amdg. '90 ch.131 §22, 24 as to payment of sewer assmts. in cities without gen. tax collector; council in city with bd of com'rs of assmts. may refer assmts. to bd. 2§ '06 ch.215, 3 My
- d **N. J.** Supplementing '99 ch.36; assmts. for benefits derived from joint sewers. 2§ '06 ch.305, 12 Je

2678

### Public art and improvement

- a **Cal.** Amdg. Const. 1879 art.11 by adding §20: city and county of San Francisco by ordinance adopted on  $\frac{2}{3}$  vote of bd of supervisors approved by mayor may within 2 years acquire property by purchase, condemnation, gift or exchange for streets, parks, boulevards etc., and may alter terms of street franchises held by persons or corporations as to use of streets for gas and water pipes. Rejected Nov. 1906. '06 p.91, 12 Je
- b **O.** City council may levy tax to pay private ass'n for maintaining free museum or art gallery or academy for fine arts. Adds R.S. §218a. 1§ '06 p.146, 29 Mr
- c **Va.** Cities and towns may buy or condemn property adjoining public park or place and resell with limitations to protect the beauty or convenient use of such parks or property. 1§ '06 ch.194, 14 Mr

2679

### Parks. - Public grounds

*See also 798, State parks*

- a **Ia.** Amdg. C. §861: park com'rs to receive no pay in cities under 65,000 [40,000] except when parks exceed 600 acres. '06 ch.28, 5 Ap
- b **Ky.** Supplementing '94 ch.100: provision for establishment and supervision of parks in cities of 2d class. 18§ '06 ch.15, 5 Mr
- c **Mass.** "An act rel. to purification of Mystic river, Alewife brook and . . . adjacent . . . drainage areas"; enforcement by Metropolitan Park Com'n; state aid; apportionment of costs among cities within benefited area; adoption of act. 7§ '06 ch.529, 27 Je
- d **N. J.** Amdg. '95 ch.91 §1 rel. to bd of park com'rs in counties of 200,000; powers; appointment of park police. 1§ '06 ch.102, 12 Ap
- e **N. J.** Supplementing '95 ch.91 rel. to park systems in counties of 200,000: chosen freeholders may issue additional bonds not exceeding \$300,000 for improving park system; act to be submitted to popular vote. 2§ '06 ch.181, 2 My
- f **N. J.** Public parks in municipalities adopting '93 ch.285 to be under control of com'n appointed thereby for protection and planting of shade trees. 2§ '06 ch.245, 17 My
- g **N. J.** City street com'rs or park bd may acquire property by purchase or condemnation for public parks, on submission to popular vote; bond issue limited to \$300,000. 7§ '06 ch.258, 17 My

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- h N. J. Amdg. '02 ch.180 §5 rel. to payment for lands acquired by municipalities for public parks. 1§ '06 ch.269, 17 My
- i N. Y. Establishment of seaside park for health and recreation of citizens of N. Y. city; erection of hospital; \$2,500,000. 7§ '06 ch.456, 15 My
- j N. Y. To provide park com'n for city of Syracuse. 9§ '06 ch.586, 23 My
- k N. Y. Com'n of 3 to be appointed by Gov. and Senate to consider feasibility of preserving Bronx river from pollution and of extending Bronx park reservation within certain limits; report to Leg. by Jan. 1, 1907; \$3000. 6§ '06 ch.669, 31 My
- n O. Amdg. '04 p.411 §4: township park com'rs may establish public park within or without township. 2§ '06 p.144, 31 Mr

2684

**Debts. Bonds**

- a Ia. Amdg. C. §855: park com'rs in cities of 1st class may mortgage any real estate *held by them as trustees*, to secure bonds. 1§ '06 ch.27, 5 Ap
- b R. I. Submitting proposition to issue bonds for public reservations and parks in Metropolitan Park District of Providence Plantations. '06 r.1, 20 Ap

2689

**Ordinances. Regulations**

- a Mass. Amdg. R.L. ch.212 §53: violator of mun. regulation rel. to public reservation, parkway or boulevard may be arrested without warrant by officer in charge. 1§ '06 ch.403, 21 My

2694

**Playgrounds. Recreation piers**

- a N. J. Supplementing '04 ch.69: city of 1st class may appropriate \$10,000 for establishing and maintaining fresh-air camps or recreation piers. 2§ '06 ch.112, 12 Ap
- b N. J. Exempting owners and operators of free playgrounds from liability for accidents; proviso. 2§ '06 ch.273, 18 My

2696

**Public entertainment**

- a Mass. Metropolitan Park Com'n may furnish band concerts at parks, beaches and reservations. 1§ '06 ch.375, 9 My
- b N. J. City adopting '03 ch.168 rel. to gov't of cities may construct pavilion, casino or other structure on parks, walks or other public grounds. 1§ '06 ch.50, 28 Mr

2698 **Baths, comfort stations and gymnasiums**

- a R. I. City of Providence may establish public comfort stations; \$25,000 bond issue. 1§ '06 ch.1376, 29 Mr

2700

**Roads. Streets**

- a Ark. Joint leg. committee of 5 to be appointed to draft gen. road law. 1§ '05 p.836, 25 Ja



## ROADS

2700

- b **Ia.** Amdg. C. §1533, 1540a: 4 [1] township sup'ts of roads may be appointed to supervise work on roads; collection of township road taxes. 2§ '06 ch.57, 10 Mr; '06 ch.58, 9 Ap
- c **Ky.** Provision for payment of interest and redemption of county bonds issued for turnpike taxing districts. 2§ '06 ch.20, 14 Mr
- d **Ky.** County with valuation under \$3,000,000 shall on  $\frac{3}{4}$  vote levy tax not to exceed  $2\frac{1}{2}$  mills for road improvement; county judge to lay off roads and appoint overseers; disbursement of funds. 1§ '06 ch.74, 21 Mr
- e **Ky.** Amdg. S.'94 §4315: as to time for letting of contracts for working and repairing roads. 1§ '06 ch.118, 21 Mr
- f **Miss.** Bds of supervisors in counties of 30,000 containing cities of 14,000 may issue bonds for improving roads. 3§ '06 ch.109, 13 Ap
- g **Mo.** Declaring unconst. Const. amdt. '99 p.381 authorizing levy of special road and bridge tax by county courts or township bds; cities of St Louis, Kansas City and St Joseph excepted. Denies equal protection of laws.  
State v. Chicago, B. & Q. R. Co., 93 S. W. 784 (1906)
- h **N. J.** Towns, townships and municipalities other than cities may by agreement with bd of freeholders assume control and maintenance of county roads. 2§ '06 ch.322, 26 Je
- i **N. Y.** Amdg. highway law '90 ch.568 §9, 19 subdiv. 3 rel. to town highways: levy of additional tax when sum of \$1000 [\$500] insufficient for highway improvements *and purchase of road implements*; making and approval of statement of amount to be assessed. 2§ '06 ch.423, 11 My
- j **N. Y.** Amdg. highway law '90 ch.568 §11a rel. to damages for change of grade: bond issue by town to make payment for same. 1§ '06 ch.530, 21 My
- k **O.** Amdg. R.S. §4760, 4767 rel. to construction of free turnpike in county: survey on petition; hearing; grant of petition by county com'rs; assmt. of expense. Adds §4760a. 4§ '06 p.23, 26 F
- n **O.** County Com'rs may issue bonds to refund indebtedness for road improvements and levy tax for purpose. 2§ '06 p.32, 3 Mr
- p **O.** Amdg. R.S. §4931: county com'rs of county through which national road passes may order township trustees to care for part of road in township. 2§ '06 p.156, 29 Mr
- q **O.** Amdg. '04 p.523 §2, 3, 8 rel. to road improvement: designation of road to be improved; on deviation of proposed highway from existing road, county com'rs to secure right of way and release from damages caused by change of grade. 4§ '06 p.232, 2 Ap
- r **O.** Trustees of townships with free turnpikes constructed under '96 p.63, on petition of 25% taxpayers may submit question of further levy for road improvement to vote. Adds '96 p.63 §16a. 1§ '06 p.284, 2 Ap

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- s O. Amdg. '96 p.162 §4-10, 12-13 and sundry sections of R.S.: providing for abolition of office of road supervisor and payment of road taxes in money. 43§ '06 p.327, 2 Ap
- t Va. To provide for issue of county bonds for permanent road improvement in magisterial districts of counties. 9§ '06 ch.107, 8 Mr
- u Va. Supervisors of county without special road law may adopt special law of any other county instead of gen. road law. Adds '04 ch.106 §47. '06 ch.223, 15 Mr
- v Va. Provision for improvement of county roads and bridges; division of counties into road subdistricts; election of officers; taxes; enforcement by State Engineer; to supplement general road laws. 19§ '06 ch.308, 17 Mr
- w Va. Amdg. C. §944a subdiv. 1-3, 11-14: reorganization of management of county roads. 1§ '06 ch.318, 17 Mr; '06 ch.326, 19 Mr

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- a Ky. State's interest in turnpike may be donated to county undertaking to maintain free turnpike road. 1§ '06 ch.45, 17 Mr
- b Minn. Amdg. Const. 1857 art.9 §16: Leg. may levy tax of 1/4 [ $\frac{1}{10}$ ] mill for bridge and road fund; omitting clause rel. to appointment of state Highway Com'n. 3§. Rejected Nov. 1906. '05 ch.212, 17 Ap
- c N. J. Amdg. '05 ch.58 §5, 7 rel. to road improvement: on award of contract copy of bid, contract bond and justification of surety to be furnished to State Com'r of Public Roads; certification of amount to be paid to county, township or municipality. 2§ '06 ch. 17, 9 Mr
- d N. J. Amdg. '96 ch.100 §1, '02 ch.237: salary of State Com'r of Public Roads \$5000 [\$1500] and \$4000 [\$1500] for expenses; appointment of supervisor at \$2500 [\$500 salary and \$500 expense allowance] authorized. 3§ '06 ch.70, 2 Ap
- e N. Y. Supervisor and highway com'r of town receiving state aid to report to State Engineer; State Engineer to prescribe form for highway accounts. Adds §27, 28 to highway law '90 ch.568. 2§ '06 ch.363, 10 My
- f N. Y. Generally amdg. '98 ch.115 rel. to improvement of public highways. 15§ '06 ch.468, 16 My
- g N. Y. Providing for \$5,000,000 state bond issue for improvement of highways according to Const. 1894 art.7 §12. 6§ '06 ch.469, 16 My
- h O. Amdg. '04 p.511 §3, 5 rel. to improved state highways: annual applications by county for state aid; repairs to be made by county com'rs. 3§ '06 p.279, 2 Ap
- i R. I. Authorizing issue of \$600,000 highway construction loan bonds. 4§ '06 ch.1312, 20 F

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- j **Va.** To provide for permanent improvement of county roads: county on approval of plans by State Highway Com'r, to be furnished aid from state convict road force to construct roads, county to furnish implements etc. and salary of civil engineer supervising work; annual report by State Highway Com'r to Gov.; appropriation. 14§ '06 ch.73, 6 Mr

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- a **N. Y.** Amdg. town law '90 ch.569 §15: town with money system for working highways, on petition of 25 electors may decide at special election to retain but 1 com'r. 1§ '06 ch.384, 10 My

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- a **O.** Amdg. '98 p.421 §6, 7, 13, 16, 20 rel. to organization of special road districts from contiguous townships: compensation of road com'rs; road machinery; com'rs to superintend road improvement [sup't employed]; bond issue. 6§ '06 p.292, 2 Ap

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- a **Ky.** Amdg. '94 ch.100 art.4 §22, 23, 27 rel. to construction and repair of streets, alleys, public ways and sidewalks in cities of 2d class; bond issue; instalments; liens. 3§ '06 ch.128, 22 Mr
- b **Miss.** Amdg. Ann. C.'92 §3014: city of 10,000 may issue bonds for street improvement not exceeding 15% of assessed valuation on submission to vote. 1§ '06 ch.110, 13 Ap
- c **N. J.** Publication of notice of intention to improve streets, avenues and highways in cities. 1§ '06 ch.34, 26 Mr
- d **N. J.** Governing body of city of 1st class may provide fund not over \$500,000 for improvement of streets and highways. 6§ '06 ch.43, 27 Mr
- e **N. J.** Amdg. '95 ch.113 §64 rel. to street improvement in towns: on objection of 1/2 [2/3] of abutting property owners, proposed improvement to be canceled. 2§ '06 ch.180, 2 My
- f **N. J.** Amdg. '98 ch.200 §9 rel. to fees for services under street improvement act. 1§ '06 ch.232, 15 My
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- h **N. J.** Validation of bonds issued under provisions of '98 ch.200 for street improvement in cities. 1§ '06 ch.316, 19 Je
- i **N. J.** City council by 2/3 vote may provide for building of sewers and improvement of streets; procedure. 5§ '06 ch.321, 22 Je
- j **N. Y.** Amdg. village law '97 ch.414 §166 rel. to improvement of village street. 1§ '06 ch.97, 23 Mr
- k **O.** Amdg. R.S. §1536 subdiv. 132 rel. to improvement of streets; contents of ordinance. 2§ '06 p.143, 31 Mr

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- n O. Municipality not to adopt plans requiring exclusive use of patented article etc. for public improvement. Adds '02 (ex. sess.) p.20 §45b. 1§ '06 p.204, 2 Ap

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- a N. J. Amdg. R.S.'74 p.744 §70: action [on the case] may be brought by person *or corp.* owning property on street for alteration of grade by municipality. 1§ '06 ch.178, 2 My

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- a Md. Creating Paving Com'n for Baltimore city; \$5,000,000 bond issue authorized on submission to vote. Rep. '00 ch.523. 10§ '06 ch.401, 5 Ap
- b N. J. Amdg. '05 ch.170 §1 rel. to assmts. for paving. 1§ '06 ch.94, 9 Ap

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- a Ky. Amdg. '93 ch.244 §64 rel. to laying out or dedicating public highway or easement within or 3 miles from limits of city of 1st class: procedure. 1§ '06 ch.58, 21 Mr
- b Ky. Amdg. S.'03 §4300 rel. to opening or altering after judgment; allotment of road hands. 1§ '06 ch.113, 21 Mr
- c N. J. Amdg. '02 ch.229 §1: township committee of township having in limits an incorporated village may accept, open, alter or vacate streets. 1§ '06 ch.148, 21 Ap
- d N. J. Town organized under '95 ch.113 on 3/4 vote of council may vacate street on petition. 1§ '06 ch.254, 17 My
- e N. Y. Amdg. highway law '90 ch.568 §83, 88 rel. to expense of determining application for laying out or discontinuing a highway. 2§ '06 ch.67, 15 Mr
- f N. Y. Amdg. '90 ch.568 §90: in counties adjoining city of 1,000,000 highway identical with one discontinued not to be laid out within 7 years. 1§ '06 ch.265, 19 Ap

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- a Ky. Amdg. '94 ch.100 art.4 §20: procedure for closing streets, alleys and public highways in cities of 2d class. 1§ '06 ch.130, 22 Mr
- b O. Amdg. R.S. §1536 subdiv.145: council of city or village may vacate or narrow street by ordinance *without petition* in certain cases; ordinance may include alteration of more than 1 street. 2§ '06 p.202, 2 Ap

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## *Road taxes and work*

- a Ark. County court on adopting '97 (ex. sess.) ch. 6 to levy road and bridge tax of 2½ to 3 mills; payment of tax; working on road. 5§ '05 ch.74, 10 Mr
- b Ga. Amdg. '96 p.78 §8: counties may hold elections to suspend '96 p.78 rel. to working roads, known as "four-days law." 2§ '06 p.116, 14 Ag

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- c Ia. Amdg. C. §1530: county supervisors on petition of majority of freeholders of township may levy additional 1 mill road tax. 1§ '06 ch.56, 5 Ap
- d Ia. Rep. C. §1538 as to compensation of township clerk for handling road funds. '06 ch.59, 5 Ap
- e Ia. Amdg. C. §1566a as to annual publication of itemized accounts of township officers for road purposes. 1§ '06 ch.61, 5 Ap
- f Ky. County court of county maintaining free turnpikes on petition may collect toll to keep same in repair; submission to vote. 6§ '06 ch.106, 21 Mr
- g N. Y. Amdg. highway law '90 ch.568 §37: payment for work on private roads in towns adopting money system of taxation. 1§ '06 ch.149, 5 Ap

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### *Poll tax and road work*

- a Ia. Amdg. C. §1550: poll tax to be worked out on road between Apr. 1 and Oct. 1 [Sept. 1]. 1§ '06 ch.60, 30 Mr
- b Ia. Road drag may be used to improve highway on approval of township trustees; compensation for work. 2§ '06 ch.62, 14 F

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- b N. J. 2 or more counties may jointly improve and maintain roads. 5§ '06 ch.38, 27 Mr
- c N. J. Joint improvement of road between 2 or more counties; maintenance. 8§ '06 ch.189, 2 My
- d O. Amdg. '96 p.63 §13: county com'rs and township trustees may jointly improve county or township road. 2§ '06 p.155, 29 Mr

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- a Ia. "An act providing punishment for injury or destruction of sidewalks." 1§ '06 ch.162, 22 F
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- c O. Amdg. '02 p.20 §73 as to construction and repair of sidewalks in villages. 2§ '06 p.301, 2 Ap

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- a Md. Amdg. C. '04 art.23 §355 rel. to forfeiture of turnpike or plank road on failure of corp. to put in repair; proceedings. 1§ '06 ch.503, 3 Ap

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- b **Va.** Amdg. '04 (ex. sess.) ch.609 pt 10 §4 as to relocation of toll-gates on turnpike roads. 1§ '06 ch.242, 15 Mr
- c **Va.** Amdg. '04 (ex. sess.) ch.609 pt 10 §7, 9 rel. to turnpike companies; suspension of tolls till repair of road made; forfeiture of charter on failure to repair; appeal. 2§ '06 ch.297, 17 Mr
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- a **Ky.** Amdg. S.'03 §1886: fiscal court of county may appropriate surplus money to purchase turnpike already constructed. 1§ '06 ch.84, 21 Mr
- b **N. J.** Amdg. and supplementing '05 ch.173: bd of chosen freeholders may condemn turnpike or toll roads on approval by State Com'r of Public Roads; borrowing of money for payment; state to pay 1/3 of cost. 5§ '06 ch.145, 20 Ap

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- d **Md.** Generally amdg. C. '04 art.56 §131-40 and adding '§139a regulating operation of motor vehicles: registration of chauffeurs. 13§ '06 ch.449, 3 Ap
- e **Mass.** Mass. Highway Com'n may regulate use and operation of automobiles and motor cycles; speed excepted; act not to conflict with statutory authority of Metropolitan Park Com'n and various city park com'ns as to motor vehicles. 4§ '06 ch.353, 3 My
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# New York State Library

Bulletin 113

LEGISLATION 33

## REVIEW OF LEGISLATION 1906

OCTOBER 1, 1905 to OCTOBER 1, 1906

EDITED BY

Robert H. Whitten, *Sociology Librarian*

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1907



*New York State Library, Albany, July 31, 1907*

*Hon. A. S. Draper*

*Commissioner of Education*

DEAR SIR: I have the honor to transmit herewith and recommend for publication the annual Review of Legislation, the sixth of its series.

This Review contains contributions from the specialists in various parts of the country reviewing governors' recommendations and the laws enacted pertaining to each important subject.

Very respectfully

EDWIN H. ANDERSON

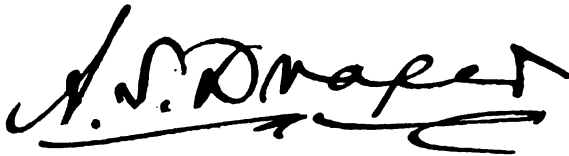
*Director*

*State of New York*

**Education Department**

COMMISSIONER'S ROOM

*Approved for publication this 2d day of August 1907*

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a long, sweeping horizontal flourish underneath.

*Commissioner of Education*



**New York State Education Department**

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# New York State Library

EDWIN H. ANDERSON, Director

**Bulletin 113**

**LEGISLATION 33**

**REVIEW OF LEGISLATION 1906**

**OCTOBER 1, 1905 to OCTOBER 1, 1906**

EDITED BY

**Robert H. Whitten, *Sociology Librarian***





*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33a

**LABOR<sup>1</sup>**

ADNA F. WEBER PH.D., CHIEF STATISTICIAN, NEW YORK  
DEPARTMENT OF LABOR

Of the six state Legislatures that hold annual sessions, no general labor legislation is recorded in 1906 in Georgia, South Carolina and Rhode Island; while of the seven Legislatures with biennial sessions in 1906, all but Mississippi appear in the Index of Legislation relating to labor, although the single act listed for New Jersey is nothing more than a resolution continuing the special commission appointed in 1905 to codify the law of master and servant. In the leading industrial commonwealths of New York and Massachusetts, the labor legislation at the annual session of 1906 was unusually important and receives separate attention in the following review. Separate paragraphs are also devoted to Ohio, Kentucky and Louisiana, as well as Arkansas, whose session laws of 1905 were printed too late for inclusion in the review of last year. The other states represented in the Index under the subject of labor legislation — Iowa, Maryland and Virginia — enacted only one or two laws each, which will be mentioned under the appropriate topic below.

**Factory and mining laws.** The recommendations of the new Commissioner of Labor in New York, an attorney by profession, led to sweeping amendments to those sections of the factory law which are especially designed to protect operatives from unclean and insanitary workrooms and surroundings. The authority to stop work had already been found the most efficacious remedy for persistent refusal or neglect to "clean up" in the case of the tenement workers, and this remedy has been applied with excellent results to bakeries and small factories or workshops in leased buildings. The changes in the Massachusetts factory law have to do more particularly with the inspection of boilers, as a consequence of the fatal explosion in a Brockton shoe factory in March 1905. Kentucky

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2040.

added to its recent factory inspection law provisions requiring safety appliances, toilet rooms, and seats for female employees; while Louisiana adopted somewhat similar provisions and instituted a system of municipal inspection in the principal cities and towns. Virginia, following a recommendation of its Governor, took the first steps toward the regulation of factory conditions by authorizing the Commissioner of Labor Statistics to investigate violations or evasions of the laws and make report of the established violations to the court and district attorney ('06 ch.55).

Arkansas, Kentucky, New York and Ohio enacted additional legislation for the protection of mine workers, but Virginia failed to act upon the recommendation of the Governor in behalf of such regulation. The Illinois courts in the same year set aside as special legislation and therefore unconstitutional the provision of the act of 1903 requiring owners of coal mines to provide washrooms for miners (*Starne v. People*, 78 N. E. 61). It is interesting to note that Massachusetts in the same year, following the example of Connecticut, required owners of foundries to provide lockers and washrooms for the use of the molders.

**Hours of labor.** Three states enacted important laws for the limitation of the hours of work of wage earners. Owing to the unconstitutionality of the eight hour and prevailing rate of wages law as applied to work done by contract for *municipalities*, the people of New York by a vote of 2 to 1 adopted a constitutional amendment in 1905 expressly conferring upon the Legislature the necessary grant of authority. The Legislature thereupon reenacted the old law, which had remained in force so far as it applied to work done by a municipality and by or for the state. Massachusetts, which had before been satisfied with a nine hour law for laborers employed on public work, enacted a comprehensive eight hour law, and the United States eight hour law of 1892, as is well known, was for the first time actively enforced through President Roosevelt's special order. Maryland became the first state to enact an eight hour law for railway employees. As its statute ('06 ch.454) applies only to telegraphers engaged in despatching trains, its constitutionality may very well be upheld on the ground of public safety. There is more of a question respecting the law of Arkansas establishing a maximum day of 10 hours for workmen employed in saw-mills and planing mills. Louisiana was the only state that joined the commonwealths which prescribe a maximum 60 hour week for

women and minors employed in factories. The slow progress of this movement led the Massachusetts Legislature to adopt a resolution favoring an amendment to the Constitution of the United States, which would enable Congress to enact a general law regulating the hours of labor.

**Assignment of wages.** Five states enacted laws for the protection of wage workers who in time of distress are compelled to borrow money, at usurious terms, on the pledge of their future earnings. The most comprehensive law of 1906 is that of Maryland (ch.399), which like the acts of Iowa and Massachusetts requires notice of assignment to be given to the employer. Louisiana goes further and provides that the assignment shall not be binding upon the employer without his written consent. Massachusetts prescribes a standard form, while Virginia enacts a law to regulate the business of "loan sharks" and imposes a license tax ('06 ch.156).

**Miscellaneous.** This review would be incomplete without specific mention of the splendid service rendered by the President of the United States in his annual messages to Congress in 1905 and 1906, which constitute an almost epoch-making discussion of the principles of social legislation. The most important fruits of that discussion are seen in enactments just outside the domain of labor legislation; but the beginnings of the model federal labor laws recommended by the President are to be seen in the employers liability act (interstate commerce) and the act regulating employment agencies in the District of Columbia. The important legislation on these two subjects in New York and Massachusetts is reviewed below.

### **New York legislation**

The extent and variety of its industrial and commercial interests and the effectiveness of the organization of its working people make New York a leader among the states in the enactment of social legislation of the kind that is conveniently termed labor laws. The Empire State has, indeed, only a few mines; but they are sufficiently extensive to require some regulations of the kind elaborated in Pennsylvania and Illinois. Its textile industry is not so important as that of Massachusetts, but nevertheless employs women and children in such large numbers as to require legal protection through factory legislation and inspection, which aims to place reasonable limits upon the hours of labor of women and children and to put

safeguards about machinery for the protection of all classes of workers. In addition to such regulations, New York has had to deal with conditions peculiar to the industry of a metropolis like New York city, where work is largely carried on in small work places that hardly deserve the name of factory. The word "factory" commonly brings to mind the picture of a mill or other substantial building on its own premises; but in New York city the typical factory building is occupied by 10 or 20 or 50 separate manufacturing concerns, with the result that responsibility for defects in structural conditions, power-conveying apparatus, etc., becomes greatly confused. Moreover, the leading industry of the city, the manufacture of clothing, is dispersed to an even greater degree through the performance of finishing operations in the homes of the workers, especially in the tenement districts. Finally, the strength of organized labor in the state has enabled it to develop in a larger degree than elsewhere the idea that the state should use its influence as the largest employer of labor to establish more equitable conditions for the wage earner in the way of hours, wages etc.

With the growth of factory and labor legislation since the earlier 80's there was for a long time a corresponding increase in the strength of the administrative bureaus concerned with the carrying out of that legislation; the factory inspection staff, for example, increased from two in 1886 to 66 in 1900. But the following year brought an era of retrenchment, which resulted in the consolidation of the factory inspector's office with the Bureau of Labor Statistics and the Board of Mediation and Arbitration and a general reduction in appropriations, so that the Commissioner of Labor was able to employ only 37 of the 50 inspectors authorized by law. To aggravate matters, the Legislature almost every year added to the duties of the officers of the department. The natural consequence appeared in 1904, when the Commissioner of Labor undertook to enforce the eight hour and alien labor laws on public contracts in New York city, to the detriment of the work of inspecting factories and stopping child labor. In May 1905, the appointment of Commissioner of Labor went to a New York attorney, whose legal training revealed to him many defects in the construction of the statutes as well as the organization of the department. His recommendations to the Legislature led to the numerous amendments of the factory laws listed in the Index of Legislation of 1906.

1 In the first place, the Legislature supplied appropriations for 12 more factory inspectors, thus bringing the force up to within

one of the number employed in 1901 before the period of retrenchment. Then it dealt with the problem of New York city sweat shops<sup>1</sup> in two new sections relating to "tenant factories," which not only defined the responsibilities of landlord and tenant, respectively, but also placed in the hands of the Commissioner of Labor the only thoroughly efficacious remedy for the characteristic evil of city workrooms (uncleanliness), namely, authority to stop work until the premises have been cleaned ('06 ch.178). This remedy already existed in the case of articles unlawfully manufactured in tenement houses. It was also applied to bake shops ('06 ch.401). The law regarding tenement manufactures was amended in several particulars, notably by the addition of confectionery, ice cream, preserves etc., to the articles that may not be manufactured in an unlicensed tenement house ('06 ch.129), and in other ways ('06 ch.275). Other statutes permit the Commissioner of Labor to use discretion in ordering exhaust fans installed in factories for the purpose of carrying off dust from woodworking machinery ('06 ch.366); encourage factory owners to report accidents in detail by making their reports inadmissible as evidence in damage suits ('06 ch.216);

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<sup>1</sup>The commissioner's recommendations were as follows:

"There exist in New York city and in some few other localities in the state a large number of workshops classed as factories, but presenting different conditions and different difficulties in enforcing the law from those of the usual factories, and which are therefore for convenience and because of the appropriateness of the term defined as above. These shops are generally located on floors or in lofts of buildings leased out to different tenants, and sometimes in tenement houses. Their products and materials are usually those of the clothing or similar trades. Sometimes steam machinery is employed but more often only machinery run by hand or foot, and sometimes none at all. Frequently the buildings are old and ill adapted to their use, and generally the sanitary conditions are bad. These concerns are often transient and evanescent, and the proprietors irresponsible, poor, ignorant of the English language and difficult to find. The orders of the department in regard to them generally relate to toilet provisions, light and ventilation, safety, the lighting of halls and stairways, and cleanliness; and they are seldom voluntarily obeyed. Where, as is often the case, such orders require structural changes in a building, the landlord will not make them and the lessee can not; or it becomes a matter of dispute between them which should bear the expense, and the law is indefinite as to which party this department can hold responsible. A large proportion of prosecutions by the department in New York city are against proprietors of such shops, but the results of such prosecutions are discouragingly inadequate and the conditions are growing worse. The primary liability for the parts used in common, where a landlord lets his building to two or more tenants for factory purposes, should, as before recommended, be imposed upon him. And where uncleanliness which admits of prompt, cheap and simple remedies, exists, the department should be armed with the only practicable means of enforcement against the lessee, that is, the right to stop work until the premises be cleaned, in the same way that it can now be done in tenement houses."

and add to the safeguards of mining operations ('06 ch.375). A bill was also enacted ('06 ch.521) to give the Commissioner of Labor or his representative admittance to tunnels, a considerable number of which are in course of construction in New York city at a great hazard to the life and limb of workmen. Unfortunately the companion bill providing for the appointment of properly qualified tunnel inspectors failed of passage and thus prevented the exercise of the power of inspection conferred by the bill that became law.

2 The foregoing list of important statutes concerning factories and mines by no means exhausts the labor legislation of 1906 in New York. Much popular interest was manifested in the bills for the reestablishment of an eight hour day on public contract work, which had been in abeyance as the result of judicial interpretation. The first eight hour law in New York had been enacted in 1867, but, despite numerous changes in subsequent years, remained of no practical effect until 1899, when the Legislature, upon Governor Roosevelt's recommendation, amended it so as to prohibit agreements to work more than the legal eight hours, which then became an actual maximum that could be exceeded only in cases of extraordinary emergency. The subsequent history of the law is given in a memorandum filed by the Governor with his approval of the bill reenacting the act of 1899 with one change, which excepted highway work performed outside the limits of cities and villages:

The Court of Appeals held, in 1894, that the Legislature has power to pass a general law regulating the compensation of laborers employed by the state, or by officers under its authority (*Clark v. State*, 142 N. Y. 101); and the same court held in 1904 that the provisions of the labor law as to prevailing rate of wages, so far as it relates to state or municipal employees, was constitutional (*Ryan v. City of New York*, 177 N. Y. 271).

The Court of Appeals in 1903 (in the case of the *People v. The Orange County Road Construction Co.*, 175 N. Y. 84) by a divided court, upheld the right of the state, when the state itself prosecutes a work, to dictate every detail of the service required in its performance, prescribe the wages of workmen, their hours of labor and the particular individuals who may be employed, but denied that such right exists where it has let out the performance of the work to a contractor.

In 1901 the Court of Appeals held (in the case of *People ex rel. Rodgers v. Coler, Comptroller*, 166 N. Y. 1) that a municipal contractor who has fully performed his contract might compel the city to pay the amount due by mandamus, although he had failed to comply with his stipulation to pay the prevailing rate of wages;

and that if he failed to pay such rate the contract should be void, since the labor law, so far as it relates to such a case, was unconstitutional.

Subsequent to the decision of this case, the Supreme Court of the United States (in *Atkin v. State of Kansas*, 191 U. S. 207) upheld a similar statute prescribing an eight hour day and the prevailing rate of wages for employees of municipal contractors. *Atkin*, a municipal contractor, was prosecuted criminally, convicted and punished under this statute. This case might be deemed to be controlling, were it not that thereafter the Court of Appeals of this state (in the case of *People ex rel. Cossey v. Grout, Comptroller*, 179 N. Y. 417) again by a divided court, held that the *Atkin* case did not control the decision in the *Rodgers* case, so far as that case held that the labor law was an unconstitutional violation of the city's rights and powers.

Last year the people of the state determined that if the Legislature lacked the power to enact such laws in behalf of labor's hours and wages on public works as were deemed wise and salutary, the fundamental law should be so changed as to grant such powers in unmistakable language and by an overwhelming popular vote the Constitution was amended by adding a new section to read as follows:

"The Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state or for any county, city, town, village or other civil division thereof." (Art. XII, § 1, end of section)

Under the authority of this section, the power of the Legislature to enact labor laws is extended to cover the case of employees of municipal contractors, to authorize the Legislature to fix for such employees an eight hour day, to establish the prevailing rate of wages as their compensation, and to punish violations thereof. The reenactment of section 3 by this bill reenacts the legislative will as heretofore expressed and vitalizes so much of the section as the courts had heretofore held inoperative.

3 In 1902 the Legislature enacted an employers liability law, which extended the employers common law responsibility for negligence to the acts of employees whose sole or principal duty is that of superintendence. As this act did not meet the cases of railway employees injured as a result of error or negligence on the part of trainmen or train despatchers, which cases were specifically included in the liability acts of England and Massachusetts, the railway men had urged an amendment each succeeding year. The law enacted in 1906 is not an amendment to the liability act of 1902

but constitutes a portion of the railroad law. Its purpose and effect are stated in the following memorandum filed by Governor Higgins with his approval of the bill:

This act entirely eliminates the fellow servant rule so far as relates to the negligence of employees of railroad corporations who have the authority to direct or control other employees or who have physical control of signals, switches, engines, cars, trains or telegraph offices and makes the company liable for the negligence of such employees when injury results to a fellow servant, himself free from negligence contributing to the injury. Where the rule is strictly in force, practically no responsibility exists for death or injury caused by the negligence of a fellow servant. Such a rule is not calculated to diminish the risks of accident necessarily incurred in the hazardous employment of operating railroads. The modification thereof for the benefit of railroad employees in other jurisdictions has not resulted in undue hardship to the railroad companies, but rather in the exercise of greater care on their part to protect their employees from injury.

This bill has been criticized as unconstitutional, as including in a class by themselves all railroad corporations without regard to the various duties of their employees, ignoring alike the fact that a large proportion of railroad employees are not engaged in extra hazardous occupations, and the fact that many occupations outside of railroading are equally hazardous with that of operating railroad trains; but railroad corporations may, in the discretion of the Legislature, be placed in a class by themselves for many purposes of legislation, and if such classification is in part arbitrary the courts may limit the objectionable clauses by construction, as has been done in other states.

4 Deserving of mention is the revised law regulating employment agencies in New York city and Buffalo ('06 ch.327), which represents the experience of the Inter-municipal Research Committee and constitutes one of the most stringent laws on the subject to be found in the United States. As the act has already been explained in the committee's bulletin (April 1906; quoted in the Department of Labor Bulletin, June 1906, p.241-43), it is unnecessary to discuss its details here. In a separate chapter ('06 ch.328) the old law was retained for cities of the second class (Rochester, Syracuse, Albany, Troy, Utica, Schenectady and Yonkers). Another law ('06 ch.316) also regulates certain of the evils of employment agencies associated with the "padrone" system, by requiring contractors or subcontractors on public work to pay wages in cash and prohibiting them from conducting a "company store" if there is already any general supply store within 2 miles.



The most important judicial decision of 1906 affecting a labor law was the opinion rendered by the Court of Appeals in May to the effect that a statute of 1887, making it a crime for an employer to exact from employees an agreement not to join a trade union is unconstitutional as impairing freedom of contract (*People v. Marcus*, 77 N. E. 1073).

### **Massachusetts legislation**

Massachusetts has been one of the few states with a large wage-earning population in which the state's influence as a large employer had not been thrown in favor of the eight hour workday. Under a permissive statute, most of the cities and larger towns had voted to establish a local eight hour day for their own employees; but the majority of wage earners working for those very cities did not enjoy the shorter workday because they were employed by contractors. On contract work, whether for the state or a municipality, the legal day's work consisted of nine hours until the enactment of chapter 517 of the acts of 1906. The new law makes eight hours the maximum day's work for workmen employed on public work by or on behalf of the state or a municipality, except that overtime is permitted to make up for a Saturday half holiday, provided the total hours in the week do not exceed 48. The law excepts from its provisions contracts for the purchase of material or supplies, but otherwise is even less explicit than the New York law, which has already raised many doubtful points. The Massachusetts law does not mention the employees of public institutions, which are expressly excepted in New York, and no special provision is made for its enforcement, which has given rise to so many practical difficulties in New York.

The statutory limitation of working hours that has been most felt by capitalists in Massachusetts is the 10 hour law for women and minors employed in factories, making 58 hours the maximum week's work. While economists and statesmen believe that in the long run such a law will enhance a community's industrial efficiency by preserving the health, vigor and intelligence of its working population, it is often felt to be at least a temporary handicap on the efforts of local manufacturers to compete with rivals who may operate their mills longer hours. Such rivalry has stood in the way of further progress toward the shorter workday in Massachusetts and other industrial states in the North and East and has caused employees to unite with employers in an effort to secure greater

uniformity of labor legislation in the United States. The Massachusetts Legislature in 1906 adopted a resolution favoring an amendment to the Constitution of the United States so "as to put it clearly within the power of Congress to enact laws regulating the hours of labor in the several states according to some uniform system," and requested the senators and representatives of the commonwealths "to use their influence to secure the adoption of the pending resolution proposing such an amendment to the Constitution."

Although the "welfare" movements fostered by several industrial associations have enlisted the sympathy of many large manufacturers, they have not obviated the necessity of legislation in both Connecticut and Massachusetts requiring owners of foundries to provide washrooms and dressing rooms for their workmen. The Massachusetts law ('06 ch.250) prescribes running hot and cold water, to be provided in a toilet room connected with a foundry but protected from its dust, and properly heated and ventilated. A similar measure passed one branch of the New York Legislature at the sessions of 1905 and 1906.

There is a new law relative to the assignment of future wages ('06 ch.390), which places a time limit of two years on such assignments and also allows them to be made only to secure debts contracted prior to or simultaneously with the assignment, which must be executed on the standard form prescribed in the law and a copy thereof delivered to the employer.

An amendment ('06 ch.427) to the weekly payment law adds employees of counties to those of cities, who must be paid weekly except when the privilege is waived.

Mention has elsewhere been made of the statute ('06 ch.296) requiring the chief of the Bureau of Statistics of Labor to collect and publish in his annual report financial statements of all towns and cities. A still more important enlargement of his duties is made by an act ('06 ch.435) providing for the establishment and maintenance of free employment offices in cities to be selected by him after investigation, and appropriating \$5000 for the first year's expenses. It will not escape notice that one month earlier the New York Legislature, following the recommendation of the Commissioner of Labor, had abolished the free public employment bureau maintained by the department in New York city since 1896, and repealed the provisions of the labor law requiring the maintenance of free employment offices in all cities of the first class. Insuf-

ficient appropriations had limited the usefulness of the New York office; the sum of \$5000 a year was an insignificant amount to carry on such work in a city the size of New York, where private agencies, with better equipment, served all classes of labor except the more highly skilled men taken care of by the trade union officers. Trade was so active that there were few unemployed in New York city. In fact, the argument for a public employment bureau had shifted entirely from the standpoint of the wage earner to that of the employer looking in vain for unemployed labor; and a year or two previously the state had established a bureau of agricultural statistics in the Department of Agriculture for the purpose of bringing laborers to the farms and promoting also the occupation of abandoned farms.

Other important Massachusetts legislation relating to labor but reviewed elsewhere included several statutes in regard to boiler inspection and the licensing of engineers and firemen; the establishment of a permanent commission on industrial education; and the employment and education of children.

### **Arkansas legislation of 1905**

Although Arkansas has not as yet become one of the great manufacturing commonwealths, it has enacted a considerable body of labor legislation relating to railways, mines and other extractive industries. At the session of 1905<sup>1</sup> the mine inspection law was considerably amplified and strengthened (ch.225). Its application was extended from mines employing 20 or more men underground to all employing 10 or more; the mine inspector's salary was increased; and 13 new sections were added to the law, while a separate act (ch.219) made it a misdemeanor for mine owners to screen coal before it is weighed and credited to the workman who mined it.

Another act (ch.233) requires railway companies, under penalty, to provide shelter for workmen permanently employed in the construction or repair of cars and other equipment. For this purpose a building or shed must be erected over the repair tracks at every division point so as to afford shelter during inclement weather.

A maximum 10 hour day has been prescribed for men employed in saw and planing mills (ch.49). The statute applies to corporations and associations and makes it a misdemeanor for them to

<sup>1</sup> The Arkansas laws indexed and summarized in the present review were enacted at the session of 1905, but not included in the review for that year

exact more than 10 hours labor a day. In contrast with the usual exception permitting agreements to work overtime (with the effect of nullifying the law), this act permits only agreements for less than 10 hours as a day's work.

A new statute requires all persons to pay wages in cash or in checks, drafts or other evidence of indebtedness that are redeemable in lawful money (ch.143). The act also makes it a crime for an employer to compel his employees to purchase goods or supplies in payment of wages or to sell them supplies at prices above reasonable or current market values. Another law (ch.210) requires railway companies to pay wages due discharged employees within seven days from dismissal.

The law against enticement was modified both by reducing the fine imposed and the amount of damages that may be recovered by an employer or landlord who has made advances to the laborer under contract (ch.208). Finally, there is to be mentioned a law against blacklisting (ch.214), which makes it a misdemeanor to publish a false statement or "that any one is a member of a secret organization" for the purpose of preventing such person from securing employment.

### Kentucky, Louisiana and Ohio

In 1902 Kentucky made provision for the appointment of a labor and factory inspector, whose principal duty in the way of enforcement of laws pertained to the protection of children and women. The reports of the inspector and his assistant have supplied abundant information as to the need of additional regulations and in the revised factory laws of 1906 (ch.52) the Legislature not only improved the child labor provisions but added provisions to secure the safeguarding of machinery, ventilation, cleanliness, sanitary conveniences, seats for women and girls. Kentucky also passed a law to increase the efficiency of the office of inspector of mines, provide for the inspection of mine scales and of miner's oil, etc. (ch.108), which directs the appointment of two additional mining inspectors.

Louisiana in 1906 entered upon the path of factory inspection by an act (ch.34) providing for municipal inspection in incorporated places of 10,000 or more population, instead of imposing the duty upon the State Bureau of Labor Statistics in the usual fashion. To permit the appointment of female inspectors it was necessary to secure an amendment to the state Constitution. The new factory

law also established a maximum 60 hour week for women and minors, required owners of factories to provide safe exits and stair-rails in all cases and toilet facilities whenever they employed children or women. Louisiana also enacted a law requiring the written consent of the employer to validate an assignment of un-earned wages (ch.5) and amended the law on enticement to include share hands (ch.54).

Many of the states have laws requiring street car companies to provide screens or vestibules for the protection of motormen from the inclemency of the weather, but the Ohio Legislature is the first to require such vestibules to be heated in the winter months. The minimum temperature is fixed at 60° Fahrenheit. The same Legislature required railway companies to equip locomotives with self-cleaning ash dump pans and to forbid employees to go under locomotives for the purpose of removing ashes, except in cases of emergency. To prevent the explosion of dust-laden air and gas in mines, mine owners are required to spray or sprinkle with water the entries and air ways of mines that are so dry that the air becomes charged with dust. A fourth Ohio statute makes the employment of a man or an independent miner of coal conditional upon a year's experience in the mines either as a miner or as a miner's helper or laborer.



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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33b

**CRIMES AND CORRECTIONS<sup>1</sup>**

SAMUEL J. BARROWS, COMMISSIONER FOR THE UNITED STATES ON THE  
INTERNATIONAL PRISON COMMISSION

**Crimes**

The volume of legislation during the past year concerning crimes and offenses is small. It is not marked by any radical change in the conception of crime or its treatment. The old method, the heritage of centuries, of meting out a certain amount of penalty for a particular offense remains the irrational and arbitrary basis of our criminal codes. It is of some importance to see what new crimes or offenses are catalogued in different states as social dangers. It indicates social recognition of further means for social protection. It represents from time to time new and higher standards of conduct. In this respect it may be said that our penal legislation is nearly always progressive. It is seldom that any deliberate step is taken to lower the tone of our civilization. From this point of view a study of our new laws is always interesting and instructive.

From the standpoint, however, of the correction of the offender our criminal codes with their gradations of penalties are of little practical value. They classify offenses according to a threefold standard of weight or enormity. They compel the offender to be classified in the same way. A single act, however, does not furnish the entire clew to the character of an offender. His classification in a corrective system may be very different from his place in a merely punitive system. A few states have broken away from the limitations of the time sentence which punishes the offense instead of correcting the offender. The indeterminate sentence slowly makes headway. A luminous indication, from the point of view of the penologist, in the laws of the year is the appointment by the state of Maryland of a commission to study and report upon the indeterminate sentence. The systematic chronicle of this fact be-

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<sup>1</sup> See also Governors Messages and Index of Legislation, 234, 870.

longs under the head of criminal procedure; but no measure is more intimately connected with the meting out of penalties for crimes and offenses. The general adoption of such a law would mean two things: first, that our code makers and legislators would be relieved from the necessity of that kind of divination which consists in guessing what penalty shall be attached to each offense; in the second place it would lead to the making of our prisons into houses of correction or reformation. When that time comes the reviewer of this department will be relieved from the necessity of measuring the oscillation and variation of penalties.

**New crimes.** Most of the changes made in the laws during the last year have been but variations of the familiar category of crimes and offenses, to supply omissions or to strengthen weak points in the law. But two or three titles in the whole list of laws create or nominate new offenses. One of the most evident of these is the law of Kentucky making it unlawful to present plays in that commonwealth that excite race prejudice. The law is brief but definite. It reads:

It shall be unlawful for any person to present, or to participate in the presentation of, or to permit to be presented in any opera house, theater, hall or other building under his control any play that is based upon antagonism alleged formerly to exist between master and slave, or that excites race prejudice.

Any person violating the provisions of the act shall be subject to a fine of not less than \$100, nor more than \$500, or to imprisonment in the county jail of not less than one or more than three months, or both such fine and imprisonment.

The effect of this law will be to prevent the performance of *Uncle Tom's Cabin* in Kentucky and also of some more recent plays; but there is an opportunity for judicial decision as to what constitutes race prejudice.

Another offense, not common in the criminal codes, is that of hazing. Offenses of this kind, when they involve bodily injury or destruction of property, are covered by existing laws or police regulation in case the injured party makes them the subject of complaint, which as a matter of fact is seldom done. But there are many foolish practices coming under the designation of the word "hazing" which could not be reached by the penal codes even if they were invoked. Ohio in 1893 passed a law against "what is commonly called hazing" with a penalty of from \$10 to \$100, or



imprisonment from 30 days to a year or both. This law was not precise in its definition. It is replaced by a new act so as to make it cover all educational institutions and to define what is meant by "hazing." The law says: "Whoever being a student or being a person in attendance at any public, private, parochial or military school, college or other educational institution conspires to or does engage in the practice of hazing or of committing any act that injures, frightens, degrades or disgraces or tends to injure, frighten, degrade or disgrace any fellow student or person attending such institution shall be held guilty of a misdemeanor."

The maximum fine is increased to \$200 and the maximum imprisonment is reduced to six months, but provision is made for the imprisonment of the offender until the payment of the fine, the law reading "in case of fine the sentence shall be that the defendant or defendants be incarcerated until said fine shall be paid."

The new law places a new responsibility upon the teacher. It provides that, "Whoever being a teacher, superintendent, commandant or other person or persons in charge of any public, private, parochial or military school, college or other educational institution shall knowingly permit any act of hazing or of attempting to haze, injure, frighten, degrade or disgrace any person attending the institution in which he is in charge, shall be guilty of a misdemeanor and he shall be fined not more than \$100."

**New instruments of crime.** Next to the cataloguing of new crimes or offenses, an annual review of our penal laws shows that their scope must be widened from time to time to protect society from the employment of some new invention or instrument in a criminal way. Thus Lombroso has lately written on the new forms of crime that are possible through the rapid transit furnished by the automobile, not to speak of the manslaughter which may be committed by the automobile itself. This new vehicle has forced its way into our statute books and 11 laws were passed concerning it during the last year. As several of these have penalties attached they likewise come within the domain of penal law, and a chauffeur when he starts out with an automobile can not be sure that he will not be a criminal before he gets back. The most effectual way to prevent the offense of overspeeding is a mechanical governor on every machine which will prevent it from running at an unlawful rate. And now the phonograph must be very careful how it talks in the state of Ohio. If it is guilty of any profane or immoral language, the law can not of course indict the instrument; but it can

indict the exhibitor, who may be fined from \$50 to \$500 or be imprisoned from 30 days to six months. The biograph or other picture machines must be operated with similar care for they come under the provisions of the same law.

The blackjack, and brass or metal knucks continue to be a menace to the peace of the community. In Virginia a fine of \$25 to \$100 is now imposed for selling or bartering or even having them in one's possession, "except in the case of a conservator of the peace."

Louisiana has also amended its law in regard to carrying concealed weapons and raised the maximum of imprisonment from three to six months. Massachusetts regulates the carrying of loaded pistols or revolvers by license.

Governor Beckham of Kentucky in his message advised that the law be amended in such a way as to increase the penalty beyond the reach even of executive clemency, saying: "As the law now is, when the Governor grants a pardon for any part or all of the penalty, the applicant has to pay to the state a tax of \$4 on the pardon, which the Governor can not remit. I advise that you increase that tax to at least \$100, and when you do so you can rest assured that there will be a wonderful reduction in the number of pistols carried."

Governor Pattison of Ohio likewise urged that some laws "should be enacted to prevent the indiscriminate sale of revolvers and pistols." He proposes that "no such instruments of death should be purchased or sold except with the approval of some probate or common pleas judge residing in the county, and any one purchasing a revolver after having received such a permit should pay a license of \$5 a year during the continuance of said permit, which permit should be for one year only."

Another modern instrument of crime is the use of explosives either for burglary or for arson. Louisiana has strengthened its law against arson by penalizing the use of explosive substances with intent to destroy houses or vessels in which human beings may usually stay or reside, the penalty being imprisonment from 10 to 20 years.

Maryland makes the use of explosives to break and enter buildings either by day or by night, whether inhabited or not, a form of burglary with a maximum penalty of 20 years.

**Changes in classification or penalty.** Laws are modified in various states so as simply to affect the penalty. Generally these amendments mean that a loose law is screwed up a little tighter in the way of penalty with the view of greater deterrent effect. Oc-

casionaly it is discovered that the penalty is too high. The reviewer of this department has never found, and he challenges anybody else to find, any principle upon which such modifications of penalty may be based. This as pointed out in the introduction to this review is one of the most arbitrary aspects of our code makers. An example of the reduction of the penalty is found in the recommendation of Governor Herrick of Ohio who says: "The State Board of Pardons reports that during the last two years a very large portion of the cases submitted to it are of persons convicted under section 6835 of the Revised Statutes for burglarizing uninhabited buildings. This section provides a minimum sentence of five years for such an offense, and in a majority of the cases it has been found that the law is too severe . . . I suggest that the minimum sentence for this offense should be changed to one year." In accordance with the Governor's recommendation the law has been so changed.

In Kentucky the age of consent has been raised to 16 years. The laws of that state have also been amended so that prosecution for seduction may be renewed if a husband has abandoned his wife within three years of marriage.

In Arkansas an age limit as to vagrancy has been introduced. Convictions can not be had under this head for minors 14 years of age or under.

In Kentucky "in all civil actions for damages inflicted by an assault or assault and battery the defendant shall have the right to plead as a defense to the claim for punitive damages, and to introduce as evidence in mitigation of damages, any matter of provocation which preceded the assault or assault and battery."

New Jersey has somewhat broadened its laws so as to cover various forms of modern fraud, of which there are many, and to make more effectual its law against the receiving of stolen goods.

Both New York and Louisiana provide that contradictory statements under oath shall be presumptive evidence of perjury. Thus if a person testified before the grand jury one way and subsequently before the trial court another way, he may be indicted for perjury. In Louisiana, however, it is made to depend upon "the belief of the jury that such person in either of the above instances did wilfully, corruptly and intentionally swear falsely upon any material point at issue."

Massachusetts has made a new definition as to domestic animals. It is well known that a dog is not regarded at common law as a species of property. Not having any intrinsic value he can not be

stolen, or more accurately the thief can not be indicted for larceny. However, England, Pennsylvania, Texas and Utah now admit that a dog is property. Massachusetts settles the question not only for dogs but for a variety of domesticated animals by enacting "Whoever without the consent of the owner and with a felonious intent, takes any domesticated animal, or a beast or a bird which is ordinarily kept in confinement and is not the subject of larceny at common law, shall be guilty of larceny."

The attempt in California to make the sale of theater tickets by speculators a crime has failed under decision of the Supreme Court, declaring this section of the Penal Code unconstitutional. The code provides that "every person who sells or offers for sale any ticket or tickets to any theater or other public place of amusement at a price in excess of that charged originally by the management of such theater or public place of amusement is guilty of a misdemeanor." The court holds that "the constitutional guaranty securing to every person the right of 'acquiring, possessing and protecting property,' refers to the right to acquire and possess the absolute and unqualified title to every species of property recognized by law . . . it includes the right to dispose of such property in such innocent manner as he pleases, and to sell it for such price as he can obtain in fair barter . . . These rights are in fact inherent in every natural person and do not depend upon constitutional grant or guaranty . . ." A theater ticket represents a species of property. The holder "has the clear right to dispose of it, to sell it to whom he pleases and at such price as he can obtain."

**Liquor legislation.** Liquor legislation constitutes in some respects a class by itself. Yet physically as well as legally alcoholic drinks have a very intimate relation to crime. This relation is at once recognized when it is known that different authorities, as the result of various statistical investigations, ascribe from 50 to 90% of crimes committed to the use of alcoholic drinks. During the last year 46 laws relating to intoxicating liquors have been passed in 20 different states. Most of these laws are of minor importance and embody no new principle. They are local barometers showing fluctuations in the temperance sentiment, or they relate to the regulation and restriction of the traffic. Many of these laws are sufficiently indicated by the Index and they require no special analysis.

Georgia authorized in 1895 the appointment of a commission to investigate the dispensary system in that state. A law passed in

1906 gives the committee additional powers. Another law provides that local option elections may be held once in four years to abolish dispensaries in counties in which the sale of liquors is unlawful except through dispensaries.

Kentucky and Ohio have passed various laws relating to local option. Some 15 laws were passed in different states relating to liquor licenses. The new regulations and restrictions imposed relate to the sale of liquors to minors or limit the sale to certain localities.

The question of the regulation of the liquor traffic is not merely a question of public morals but involves sometimes the rights of property or the question of interstate commerce. In Alabama it has been declared unconstitutional to prohibit residents of other states from soliciting orders for spirituous liquors to be transported into the state on the ground of interfering with interstate commerce. Louisiana, on the other hand, has just enacted a law to prohibit and punish soliciting orders for liquor within prohibition districts in that state. In Texas a law of 1905 providing for the seizure of liquor in prohibition counties in the state has been declared unconstitutional. The decision recognized that intoxicating liquors kept for sale in violation of the law might be seized and condemned; but the court holds that intoxicating liquors, unlike gambling apparatus, may be owned and kept for a number of legitimate uses, and that the owner of such property can only be deprived of such possession by due process of some law.

### Corrections

Nothing of fundamental importance has been enacted during the past year in relation to the penal institutions or corrective system of the different states. The word "correction" suggests rather an ideal than a realization. Our penal institutions reflect the spirit of the penal law which is punitive rather than corrective. The most important departure from the purely punitive method has been in the establishment in various states of a reformatory system not only for juveniles, but also for the younger adult offenders of both sexes. The movement of legislation in this respect goes slowly but steadily forward.

The great majority of laws affecting penal institutions relate to their relocation or improvement or to details of administration. Nothing important touching the jail system, one of the most defective features of our penal system, was passed during the year.

**Treatment of inebriates.** In no respect is the helplessness of society more apparent than with reference to the legal treatment of drunkenness. The emphasis of course must be laid on prevention rather than cure. Nevertheless thousands of persons are committed to prison every year for offenses the result of intoxication. To punish the offender for the act committed under certain physiological or mental states does not reach the cause of the crime. It is surprising that the obvious defects of our present system should not have led to a more radical change in the legal treatment of drunkenness. In spite of all that can be done in preventive directions we shall still have the problem of the correction of the inebriate. Great Britain within the last few years has decided to commit prisoners who are the victims of this disease to institutions of correction especially adapted to their treatment. In the United States a few such prisoners are committed to insane asylums. Certain states make provision for the treatment of indigent and noncriminal inebriates. But little provision is made for those whose inebriety leads to crime. Iowa has a hospital for inebriates which is filled to its utmost capacity. It makes provision for the prosecution of inebriates leaving the hospital without authority.

Massachusetts for more than 10 years has had an institution for dipsomaniacs at Foxborough. Provision was made for the legal commitment of inebriates to this institution. It was primarily intended and has been used mainly for those who violate the law by becoming intoxicated, but who are not otherwise criminal. During the last year the law has been modified so that any male dipsomaniac who is desirous of submitting himself to treatment in the Foxborough State Hospital may be received by the trustees and detained therein as a boarder and patient. This new law, however, is weakened by a provision that "such person however, after giving notice in writing of his intention or desire to leave the institution, shall not be detained for more than three days."

The fatal weakness of the law governing the Foxborough asylum has been in the lack of provision to recover those who escape from the institution and to compel them to remain until it is safe to parole them. Persons who ought to be detained for two years frequently escape after three or six months. No institution can be effective in treating this disease which has not the power to detain prisoners as long as may be necessary, within a maximum of two or three years, for their recovery; and patients voluntarily committing themselves should be obliged to subscribe to such a rule as a condition of their acceptance.

**State prisons.** The state of New York as the result of long agitation and repeated condemnation of Sing Sing Prison has passed a law providing for the establishment of a new state prison in eastern New York to replace Sing Sing. \$75,000 was appropriated for the purchase of the site. Unfortunately this law was hampered by an amendment requiring the prison site to contain a certain amount of trap rock. Of 77 sites considered by the commission only two contained trap rock, and these sites were not available for prison purposes. The commission is therefore obliged to ask the Legislature at its session this year to amend the law and remove this hampering provision.

Ohio has appointed a commission to consider the advisability of relocating the Ohio penitentiary at Columbus.

**Reformatories and reform schools.** New York in addition to abolishing Sing Sing Prison has taken another important step by providing that the new and incomplete prison at Napanoch shall be a reformatory in fact as it has been in name. This is to be brought about by enlarging the state board of managers of Elmira Reformatory and giving it jurisdiction over both institutions. A general superintendent will also direct both reformatories. Elmira has long been overcrowded, while Napanoch has been at a standstill, and no prisoners have ever been directly committed to it by the courts. Its development as a reformatory will greatly add to the resources of New York, in the treatment of felons under the age of 30. The state has not yet, however, made any provision for the treatment of misdemeanants of the same age.

The establishment of reform schools for juvenile offenders has long been a policy to which the Northern, Middle and Western States have been committed. It is gratifying to observe a movement in the South in the same direction. Arkansas has decided to establish a reform school for juvenile penitentiary convicts. It is to be managed by the State Board of Penitentiary Commissioners. The law is drawn on large and liberal lines. "Everything practicable shall be done," says the law, "to develop them morally, intellectually and industrially, and to teach them some useful trade or avocation. For this purpose competent teachers are to be employed. The reform school is for those under the age of 18. White and negro inmates are to be kept separate, and there is to be a female department."

Maryland has changed the name of its house of refuge to the Maryland School for Boys.

South Carolina has authorized the establishment of an industrial school for white boys between 8 and 16 years, who may be kept

until 21. Provision is made for the voluntary commitments by parents and guardians of children with the indorsement of a designated court, and also for the commitment directly by the courts of boys convicted of crime punishable by imprisonment in the State Penitentiary. Provision is made for the application of the parole system by the board of trustees. After this industrial school is established, the reformatory now in operation on the State Farm in Lexington county is to be used exclusively for colored boys.

Massachusetts has modified its law relating to its reformatory prison for women by providing that "the sentence of a female convicted of a misdemeanor shall not be executed in the reformatory prison for women unless it appears to the court that she has previously been sentenced to fine or imprisonment." This will exclude from that excellent reformatory many misdemeanants now committed to it who might first be subject to probation.

**Indeterminate sentence and parole law.** Maryland authorized the Governor to appoint a committee of five citizens to report in regard to the indeterminate sentence and the cumulative sentence in criminal cases. The same state also passed a law that in all cases where the law fixes a maximum and minimum penalty the judges may in lieu of the minimum penalty impose a less penalty of the same character.

South Carolina has established a board of pardons. It is the duty of the board to consider petitions for pardons or commutation of sentence, which may be referred to them by the Governor, and to make their recommendations to the Governor in regard to the same. The Governor may or may not adopt such recommendation. But in case he does not, he shall submit his reasons to the General Assembly. The Governor may also act on any petition without reference to that board. The members receive a compensation of \$4 a day for their services while in session, not to exceed 20 days, and 10 cents a mile one way.

Massachusetts and Virginia have slightly modified their parole laws.

**Fee system.** Ohio, Rhode Island and Arkansas have amended their laws relating to sheriffs' allowance and jailers' fees and for the transportation of prisoners. These changes have been made in the interest of the sheriff rather than in the interest of the community. Nothing has been done in these states or elsewhere to remove the crying evil of the fee system itself. New York state has been gradually abolishing the system county by county and substituting a salary for the sheriff and jailer.



**Prison labor.** The tendency of labor agitation and also of legislation is toward the abolition of the contract system and the employment of convicts only upon work for the state. Thus Mississippi has enacted that the state's convicts shall not be worked on any land not owned by the state of Mississippi; but this is not to prevent convicts being worked on public roads, public works and levees. We assume that this law applies only to state convicts and not to those of the counties.

Ohio has for years maintained the contract system in its large penitentiary. It has now decided that the contract system shall be abandoned at the expiration of existing contracts and that prisoners shall be employed only on the manufacture and production of supplies for state institutions or any political division thereof or in the manufacture of crushed stone, brick, tile and culvert pipe, or road-building material.

Maryland has provided for convict labor on the roads in certain counties, and Virginia enacts that on the conviction of a felony, when the punishment does not exceed two years commitment to the penitentiary, the court may sentence the prisoner to hard labor on public roads for an equal time. He is to be in the custody of the superintendent of the penitentiary. Another law provides for the creation of a state convict road force, to be constituted of all prisoners convicted of crime and sentenced either to hard labor on the public roads or to imprisonment in jail, and all persons imprisoned in jail for the nonpayment of fine or cost.

Another law provides that a person charged with crime who is refused bail, or is unable to furnish a bail bond with satisfactory sureties, may instead of being committed to jail, elect to labor in a chain gang on a state convict road force. If at his trial such prisoner is convicted and sentenced to prison in a jail or penitentiary or sentenced to the road, he is to be credited on his term by the number of days he has labored in a chain gang or the state convict road force. If fined he is to be credited with 50 cents for each day he labored in a chain gang. Likewise if acquitted he is to be paid the same sum for each day of labor.



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Charities      William B. Buck  
The Insane    T. E. McGarr

### CHARITIES<sup>1</sup>

WILLIAM BRADFORD BUCK, SUPERINTENDENT OF THE SEYBERT  
INSTITUTION FOR POOR CHILDREN

The greater part of the legislation of 1906 dealing with charities may be grouped under two headings: state supervision and administration and dependent and delinquent children, though there also seemed to be some interest in and some attempt to improve the condition of dependent blind and deaf persons. In amount and importance, however, the legislation dealing with the subject of child saving and care was greatly in excess of that upon any other single topic. No less than 15 states and territories placed such laws on their statute books during the year, and in some instances a single state has two or more such acts to its credit. The phrase "to its credit" is used advisedly in view of the fact that a majority of these acts represent carefully considered action along lines already approved by experience in dealing with children, namely the development of the juvenile court and probation system and the work of placing children in family homes. The amount of such legislation each succeeding year makes evident the increasingly firm hold which these two methods of child saving and care have upon American charities. Particularly in the case of juvenile courts and probation legislation they indicate a willingness to adopt new methods which are based on sound principles and have demonstrated their usefulness—a tendency which is a tangible expression of the common feeling that child saving is perhaps the most hopeful field of charitable effort.

In the field of supervision and administration the tendency to establish state boards of control to manage the charitable institutions of the state, which has been observable for some years, particularly in the Middle West, is still alive if we may judge by the only statute

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2140.

of importance on that subject during the year. This law places Kentucky in the column of states having that form of management for its state charitable institutions. In this instance the primary purpose of the law is obviously to secure greater coordination and better adjustment in the management of the state's charities, while the purpose of providing suitable supervision seems secondary. In this respect the tendency toward boards of control in these states is based on the sound business principle that a number of institutions of a similar kind, established for similar purposes, can be managed more efficiently and harmoniously by a central board than by several boards working independently and sometimes antagonistically to each other. The need of independent supervision of such management whether central or divided, which is felt strongly in the Eastern States, is not yet so well recognized in the Mississippi valley. Nor are the disadvantages of centralized management, particularly the loss of the volunteer services of public-spirited citizens, keenly felt as yet in those states which have adopted the system of control by a single board.

**Supervision and administration.** The amount of legislation in this field during the year was not large, but throughout it may be observed a persistence of the movement toward closer, more harmonious and better adjusted management of the charitable institutions of a given state, in short a tendency toward greater centralization. A number of states, notably in the Middle West, have adopted the plan of giving over the entire management and control of their charitable institutions to a central board composed of a small number of salaried officers. Other states, New York for example, have centralized the financial management of their institutions with the same end in view. In a number of states, conferences of the superintendents of state institutions are held at regular intervals to discuss matters of common interest, to adopt uniform methods of work, and in some cases to arrange joint purchases of supplies. Ohio gave legislative sanction to the same idea during the past year by an act which permits the State Board of Charities to call such conferences at its discretion. The value of these conferences has been demonstrated in the states where they have been held heretofore, and Ohio experience should be similar if the plan is equally well carried out in that state. Maryland adopted an original method for securing greater centralization by authorizing the Governor to send delegates to meetings of the boards of managers of those institutions which receive assistance from the state. This act places in the

Governor's hands an instrument for reaching and influencing the boards of managers which might be open to serious abuse in the hands of an ignorant or unscrupulous executive, but which, in good hands, may be made to serve a useful purpose in bringing about greater cooperation and better adjustment among the institutions of the state.

Kentucky is the latest state to go on record in favor of the board of control idea. The act signed by the Governor is similar to the Iowa law but applies only to institutions for the insane and feeble-minded, which are placed under the management of a board of three members, appointed by the Governor for a term of four years each, at a salary of \$2500 a year. The board is given the appointment and removal for cause of the superintendents and stewards of state institutions and the right to make rules for the government of such institutions. The new Board of Control supersedes the various boards of managers of each state institution, these boards being abolished and their powers vested in the central Board of Control. Attempt is made in this act, as in similar laws in a number of the Middle States, to ride the two horses of supervision and management at the same time, and the new board is given most of the supervisory functions and powers of the New York State Board of Charities, the Kentucky statute being modeled after the New York law so far as these sections are concerned. In their supervisory capacity the members of the board will visit and inspect the institutions of which they are themselves the managers, and under these circumstances it should not be difficult for them to find their own work as managers deserving of their highest commendation as supervisors.

In an act adding a seventh member to its board of trustees for the charitable institutions of the state, Arkansas expressly sanctions and continues the objectionable practice of changing the entire personnel of the board every two years, as authorized in the original act.

**Juvenile courts and juvenile probation.** The amount of legislation dealing with the various phases of juvenile delinquency is much less in 1906 than in the preceding year. There were some amendments to existing laws on this subject but only two or three original acts. One state, Kentucky, made provision for the punishment of parents or other persons who "knowingly encourage, aid, cause, abet, or connive at delinquency" in children, as against eight such statutes in 1905. The Kentucky statute covers dependency as well, and supplements a general act with reference to the care, treatment

and control of delinquent, neglected and dependent children in this state. The latter statute follows the Colorado law and similar acts in other states in many of its provisions. It defines delinquency and dependency in children and provides for a juvenile record and docket in the county courts of the state and for the appointment of probation officers by these courts; defines carefully the procedure to be followed in considering and disposing of cases; and provides for a board of county visitors to institutions and societies receiving children under its terms. While separate sessions of the court for the purpose of hearing cases involving the care of children are not specifically required by the terms of the act, they are implied therein, and, it is to be hoped, will be adopted. The purpose of the statute is admirably stated in section 10 which reads:

"This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family home with people of the same religious belief, and become a member of the family by legal adoption or otherwise."

Similar acts were adopted by Louisiana and Massachusetts, the latter, contrary to its custom where progression measures are concerned, being one of the last states to adopt the Juvenile Court idea. The Louisiana statute is modeled after that of Pennsylvania, which has worked very unsatisfactorily up to this time. It gives the city and district courts outside of New Orleans jurisdiction over juvenile offenders, but does not specifically provide for separate hearings. It does not require detention apart from adult offenders and contains the usual provision for unpaid probation officers. As in the case of the Pennsylvania law, the act is loosely drawn, and affords opportunity for badly managed courts and houses of detention.

The Massachusetts act just mentioned gives jurisdiction to the police, district or municipal courts, and requires both separate sessions of the court for children's cases and detention apart from adults. A distinguishing feature of the Massachusetts statute is a clause giving the State Board of Charities supervision of probation work. A special act also provides for a Juvenile Court for the city of Boston with salaried probation officers and deputy probation officers without pay. This act is somewhat unique in that it creates a new municipal court presided over by a judge appointed solely for this court, instead of providing for a separate session of an

existing court to be presided over by the regular judge or judges of that court. While the act in placing the full responsibility upon a single judge makes the usefulness of the court depend almost entirely upon the personality of this one man, yet its wisdom will be appreciated by those who have observed the lack of continuity in those Juvenile Courts where the presiding justices rotate, or the lack of privacy in so called Juvenile Courts which are in no respect different from regular Police Courts save in the age of the person on trial.

By an important amendment to an existing general statute of Ohio relative to dependent and delinquent children, dependency and delinquency are defined more at length along the lines of the Colorado law. The act further provides salaries for probation officers, raises from 16 to 17 the age of children affected thereby, and makes abandonment by parents or responsibility for delinquency or dependency a misdemeanor.

The Michigan Juvenile Court act of 1905 has been held unconstitutional by the Supreme Court of that state because of a provision of the act which gives Circuit Court commissioners jurisdiction over delinquent children in counties having more than 25,000 and less than 100,000 population. The court held that the act extended the constitutional powers of the Circuit Court commissioners which are limited to those of a circuit judge in chambers.

Other states and territories might well follow the example of Maryland in appointing a commission to revise the laws of the state relative to the care of minors, to Juvenile Courts, the probation system and detention homes. The commission consists of five members to serve for two years and report in 1908. In many of the states there is confusion in these enactments, which usually spread over a term of years and contain much obsolete matter. There are likely to be omissions and superfluities which need correction as well as new methods of work requiring additional legislative sanction.

An act of Congress approved March 19, 1906, establishes a Juvenile Court for the District of Columbia after the plan of the Boston Juvenile Court. The presiding judge is appointed by the President for a term of six years and he may appoint two salaried probation officers. This act contains the usual provisions of Juvenile Court statutes in other respects and was adopted as a result of local efforts supported by the friends of the Juvenile Court principle throughout the country.

**Protection and care of children.** In Massachusetts hereafter, no child under 17 may be admitted to a dance hall or roller skating

rink between 6 p. m. and 6 a. m. unless accompanied by a parent or some other adult person. The prohibition does not apply to church, charitable or school entertainments.

In Iowa three acts dealing with the subject of placing children in family homes became laws. These laws authorized the superintendents of the State Industrial and Soldiers' Orphans Homes to place in families of good standing and character, orphaned and abandoned children, and also children whose home surroundings would be vicious if they were returned to their parents. Adoption or merely a contract agreement is permitted. Provision is made for the appointment of not more than two placing-out agents by the State Board of Control, which is also empowered to fix their salaries. The agents are likewise to act as parole officers for children so discharged from the State Industrial School. These acts in effect establish the Michigan system of child care, and if wisely carried out should prove as satisfactory as that has proved. Their usefulness depends on the character and ability of the state agents, as the laws do not outline, define or stipulate either methods or principles of work.

A stringent law on the model of a New York statute has been adopted by the Maryland Legislature for the purpose of regulating baby farming in Baltimore. No midwife or institution except one duly incorporated for the purpose of caring for children may hereafter receive infants unless leave from the board of health is secured. Violation of the act is a misdemeanor. The law is stringent in its provisions but so carelessly drawn as to leave many loopholes.

An Ohio enactment provides for the establishment of a state institution for the care and education of crippled and deformed children, and a preliminary appropriation of \$50,000 is for the purpose of securing a site and plans for the institution.

**The deaf, dumb and blind.** The interesting experiment of providing day schools for persons of defective hearing in connection with the public school system of the state, which has been tried in Illinois and one or two other states, is now to be undertaken in Ohio. Schools may be organized in any school district for three or more pupils, and the sum of \$150 per pupil may be collected from the common school funds of the state. In Virginia, a state school having two distinct departments, one for deaf and dumb, and one for blind children of the colored race, is provided for in a special act. The act carries no appropriation, however, and it is difficult to see how much progress is to be made with the enter-



prise before another Legislature meets and makes an appropriation. A Maryland act extends the provisions of the compulsory education law to blind children.

Three different eastern states have provided commissions with reference to the adult blind. In Maryland and New York these commissions are to be appointed to investigate the condition of the adult blind, and to report on the expediency of establishing institutions for their care and training. The acts provide also for complete registers of the blind in each state.

The New York act is in substance and effect very similar to a statute enacted in 1904. The commission appointed under that act prepared a partial register of the blind and made a preliminary report recommending the establishment of industrial shops in the large cities of the state. No action has been taken upon the recommendation of this commission up to this time, however, and the second commission is doubtless established for the purpose of completing the work done in the first instance. The act carries with it an appropriation of \$5000. The Maryland law contains similar provisions to those of the New York statute and in addition authorizes the commission to aid the blind with implements, materials and tools to an amount not exceeding \$50 to any one individual and to place indigent blind women in homes at an expense not to exceed \$200 a year for each person. The Maryland commission has two years in which to work and is given an appropriation of \$1500 a year. The Massachusetts act provides for a permanent commission for the blind, consisting of five persons appointed by the Governor, to serve for terms of five years each. This commission is the outgrowth of a temporary investigating commission which was appointed some years ago. The permanent commission established by the present act is authorized to maintain a register of all the blind in the state, to support a bureau of information and industrial aid, to furnish material and tools, to establish one or more schools for industrial training, and to devise means for the sale and distribution of the products of schools and workshops. The commission may also provide temporary lodgings and support for persons working in shops or schools for the blind, and devise means to facilitate the circulation of books, but is not permitted to undertake the permanent support or maintenance of any blind person. An appropriation of \$20,000 is made for the work of the commission, but the members serve without any compensation other than their necessary traveling expenses.

In comparison with the preceding year, the legislation of 1906 dealing with charities is not large in amount or of very great importance, but for the most part it may be said to proceed along approved lines and in one or two instances to represent an advance either in methods of care or in public information with regard to those methods. The amazing lack of uniformity in the enactments of the different states, representing as it does a corresponding divergence in systems of care, in principles and methods of work, in point of view, and in the differing degrees of development of our American charitable institutions, is as striking as ever to an observer of the year's grist of legislation. In view of this diversity the fact that there is friction and maladjustment at the points where the charities of one state are in contact with those of another ceases to be noteworthy. The surprising fact is that the friction is so comparatively slight.

## THE INSANE<sup>1</sup>

T. E. MCGARR, SECRETARY NEW YORK STATE COMMISSION IN LUNACY

Kentucky ('06 ch.18) establishes in pursuance of the recommendations of Governor Beckham a **State Board of Control** for charitable institutions consisting of three members who serve for four years. Each member receives an annual salary of \$2500 and traveling expenses. The board holds regular meetings at each of the institutions under its control at least once in each month and makes a minute and thorough examination of the affairs, management, property, clothing, food supplies, condition of buildings and grounds and the conduct of each and every official and employee of said institution, "of which they shall make a complete record together with such rules and regulations as they may give." The board is empowered to appoint at each of the three insane asylums a medical superintendent, first, second and third assistant physician, also a steward, and to appoint similar officers at the feeble-minded institute. The statute fixes the term of the medical officers as four years. The board is authorized to embrace all of the asylums in its purchase of supplies for the same or to purchase supplies for each asylum separately as it may prefer. All purchases exceeding \$1000 must be made under competitive proposals. The salary of each hospital superintendent is made \$2000 a year — a remarkably low stipend.

Massachusetts ('06 ch.313) changes the title of the Northampton Insane Hospital to "Northampton State Hospital," thus following the lead of other states which have omitted the word "insane" from the titles of state institutions for the care and treatment of the insane. Arkansas ('05 ch.15) changes the title of the Arkansas State Lunatic Asylum to the "State Hospital for Nervous Diseases," which is permitting the pendulum to swing a little too far away from lunatic asylum nomenclature.

New York ('06 ch.107) provides that any religious body, missionary corporation or society may erect a building on the grounds of any state hospital for holding **religious services**, to be used exclusively for the benefit of the inmates and employees of the said hospital, subject to such conditions as may be imposed by the State Commission in Lunacy. These chapels are designed for the accommodation of employees as well as patients under treatment in the state hospitals.

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2193.

New York ('06 ch.284) increases the limit of **cost of buildings** on the grounds of the state hospitals which may be designed for the strictly acute and curable class to \$1000 per capita.

New Jersey ('06 ch.272) relieves the boards of managers of the state hospitals of the duty and responsibility of visiting and inspecting all **private institutions** and lodges with the State Department of Charities and Corrections the duty of licensing these private sanatoriums after they have been inspected and shown to be appropriate institutions for such license. The fee for this license, \$25 a year, is to be paid to the Commissioner of Charities and Corrections, who transmits it to the state treasury.

New Jersey ('06 ch.324) outlines the procedure to be followed in the **commitment of the insane**. The statute makes the following persons liable for the support of insane relatives committed to state institutions: father, grandfather, mother, grandmother, and the children and grandchildren. New York ('06 ch.181) amends the statute regarding the filing of reports of committees of lunatics by providing that in addition to the filing of committee reports annually with the clerk of the court by which the committee was appointed he shall file a duplicate of "such inventory, account and affidavit with the superintendent or officer having special jurisdiction over the institution where the incompetent is confined." Massachusetts ('06 ch.418) further specifies the qualifications of physicians who desire to become examiners in lunacy and safeguards the rights of the insane patient in the matter of commitment. New Jersey ('06 ch.308) provides that in future commitments of the public insane the county physician of the county from which the patient is committed must be one of the examining physicians.

Virginia ('06 ch.115) provides that no citizen of Virginia whose estate is of less value than \$2000 shall be subjected to any **charge for his maintenance** while in a state institution. If the estate is "less than the amount sufficient to support his or her family (where said family is primarily dependent upon such insane person for support) he must be maintained at the expense of the state." The statute authorizes the Governor to select an agent to enforce the collection of the claims of the state hospitals for the maintenance of insane patients in cases where the patient's estate is worth over \$2000 or where the estate is not required for the maintenance of the patient's family. Such agent is to receive 5% of the money actually paid into the state treasury.

### Governors recommendations

Governor Herrick of Ohio recommends the establishment of a new hospital for the insane. This state has faced the necessity which other states appear slow to realize of **establishing new institutions** for the insane and other defectives at practically regular intervals. In this way only can a comprehensive and easily adjusted system of caring for the insane be provided. By the establishment of institutions in various parts of the state proximity to relatives is insured and convenience of visitation provided.

Governor Montague of Virginia criticizes the niggardliness of the commonwealth in fixing the **compensation** of the superintendents and other officers of the hospitals for the insane of Virginia. He states: "We can no longer retain our best men nor hope to fill vacancies by good ones at the present rate of pay." The salary of the medical superintendents of state hospitals is \$2000 which from a northern point of view appears too small. Governor Montague also recommends that the statute permitting the **care in the custody of relatives or friends** of insane persons at the expense of the state should be repealed and recommends that the insane be committed directly to state hospitals. He expresses the opinion that the policy of officially placing the insane in the care of relatives or individuals without state or local supervision is unwise and too susceptible of abuse, a statement which certainly can not be gainsaid.



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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33d

**PUBLIC HEALTH AND SAFETY<sup>1</sup>**

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**General supervision.** The only commonwealths which modified the powers of their State Boards of Health in any important respect during 1906 were Louisiana and Mississippi. In the former state the Board of Health was authorized ('06 ch. 98) to revise the sanitary code and "to incorporate therein rules and regulations governing the manufacture, sale and inspection of foods, liquors, waters and drugs," "in so far as the same may affect the public health," and to provide for the establishment of a laboratory for the analysis of these substances. The power further to amend and revise the sanitary code in the future is conferred upon the board; and the president of the board is required to make an annual report of its operations to the Governor. In Mississippi ('06 ch.112) the State Board of Health was directed to prepare regulations for the disinfection and sanitation of public buildings, railroad depots and railway coaches and sleeping cars and for the improvement and amelioration of their hygienic and sanitary condition; and penalties were provided for failure to comply with the rules of the board.

Legislation dealing with the organization of **local sanitary authorities** was more widespread and important. In New Jersey ('06 ch.131) and Ohio ('06 p.205) acts were passed providing for annual conferences of local boards of health, the expenses of one delegate to be paid by each board. South Carolina ('06 ch.82) provided for the organization of local boards of health, in unincorporated towns and villages of over 100 inhabitants, to be appointed by the executive committee of the state board on application by one quarter of the electors. No expert assistance is provided; and even in cities and towns of from 5 to 10 thousand population another act passed by the same Legislature ('06 ch.63) only authorized the appointment of one of the city or town policemen to act as health officer. The important problem is to secure not merely the formal organization of health boards but the services of expert sanitarians;

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<sup>1</sup> See also Governors Messages and Index of Legislation, 930.

and this end is very difficult to attain in small communities. A significant step toward the solution of this problem was taken in New Jersey ('06 ch.129) by the provision that adjacent townships or municipalities may join in employing a health officer. County sanitary organization offers another way out of the difficulty, a course pursued by New York in providing a bacteriologist for the county of Ontario ('06 ch.271).

**Vital statistics.** The year 1906 marked very few changes in the laws relating to vital statistics, the only important legislation being in Iowa and Maryland. In Iowa the whole system of collecting statistics was recast. Under the earlier law ('04 ch.100) statistics were collected by local health officers and forwarded by them to the State Board of Health, which acted as a central bureau. The new act ('06 ch. 109) makes the secretary of the state board, Registrar of Vital Statistics. \$2500 is appropriated for office expenses, of which \$300 may be applied to increasing the salary of the secretary. The registrar is to furnish blank certificates to physicians and undertakers, who shall file them with him on the fifth of each month. The gain in thus centralizing responsibility upon a single state officer is somewhat offset by the necessary repeal of the regulation requiring a permit for burial. It is provided, however, that the certificate of death must be exhibited before interment or transportation of dead bodies, and considerable penalties are provided for violations of the law. Records of births are to be furnished by assessors to the clerks of the district courts, who shall report them with the records of marriages and divorces to the State Registrar. Such a centralized system as created by this act is obviously to be preferred to the work of a number of inefficient local boards. On the other hand, a good local board can collect statistics with more completeness than a state authority of the same grade. Certain advantages of both general and local organization seem to be combined in the ingenious law enacted in Maryland ('06 ch.124). This provides that if the state board suspects the accuracy of the work of any local registrar it may take charge of the local office and operate it for three months. If the registration during that time exceeds by 10% the registration for the corresponding three months of the preceding year the local board must pay the expenses incurred; if not the cost is borne by the state board.

**License to practise.** The only important addition to the laws regulating the practice of medicine, not previously noted in this bulletin, was a law passed in Arkansas ('05 ch.286) providing for



the revocation of the license of any physician or surgeon upon proof submitted to the State Board of Examiners that such physician is rendered unfit for the exercise of his profession by habitual indulgence in alcohol, opium, cocaine or any similar agent. The California law providing that a physician's certificate may be revoked for "all advertising of medical business in which grossly improbable statements are made" (Cal. '01 ch. 51) has been declared unconstitutional as depending on a "vague, uncertain and indefinite provision" (*Hewitt v. Bd of Medical Examiners* 84 P. 39).

Minor changes in the laws governing the **registration of dentists** were made in several states. In Louisiana ('06 ch.57) and Virginia ('06 ch.154) it was provided that the acts regulating dentistry should not prohibit the clinical work of students carried out in recognized dental schools under the supervision of their instructors.

Legislation in regard to the **registration of pharmacists** was more considerable in amount. The law was strengthened in minor details in Kentucky ('06 ch.140), Maryland ('06 ch.585) and Ohio ('06 p.207), and in some important respects in Iowa. The latter state ('06 ch.115) repealed an earlier provision permitting graduates from the State University or from a school of similar grade to be registered without examination. All applicants must now be examined; and before taking the examination, four years of practical experience as clerk in a drug store under a registered pharmacist, or the completion of a course of at least two years at a reputable pharmaceutical school or college is required. In Massachusetts ('06 ch.120) new provisions were made for the registration of pharmacists who have passed examinations in other states which require a similar degree of competency. An important decision was rendered in Vermont which prevents certain exemptions from the general pharmacy laws. The existing law ('02 ch.112) in prohibiting the sale of drugs, chemicals and poisons except by a licensed pharmacist, expressly exempted dealers in general merchandise and the widows or administrators of deceased registered pharmacists. The court declared that this discrimination, being not based on any difference relating to the safety of the public, was class legislation and could not be sustained. Finally, the national Congress enacted a pharmacy law for the District of Columbia (U. S. '05-'06 ch. 148) even more complete than the many elaborate laws of this type passed by several of the states in preceding years. The act provides for the creation of a board of five pharmaceutical examiners

to be represented upon the Board of Medical Supervisors (to be known as the Board of Supervisors in Medicine and Pharmacy). Candidates for the practice of pharmacy, except those now registered under the previous act of 1878, must have had four years' experience in the practice of pharmacy or have served three years under the instruction of a licensed pharmacist or have graduated from a recognized school or college of pharmacy, and must pass an examination and pay a fee of \$10. Pharmacists intending to dispense homeopathic remedies are to be examined and licensed separately. Registered pharmacists from other parts of the United States and foreign countries are licensed without examination if standards are of equal value and if the state or country concerned accords reciprocal recognition to licentiates of the District. Licenses may be revoked for the usual causes. The dispensing of drugs by physicians is permitted; and special permits are provided for dealers in poisonous substances to be used exclusively in the arts or as insecticides. Proprietary remedies and certain chemicals commonly used in the household are specifically exempted from the operation of the act. The sale of poisons is guarded by an elaborate series of restrictions, limiting the dispensing of certain of them to the physician's prescription, forbidding the sale of others to minors or to habitual users and regulating the proper labeling of poisons.

**Communicable diseases.** The laws relating to the control of the contagious diseases were notably strengthened in Massachusetts and New Jersey. In Massachusetts, the act relating to the establishment of contagious disease hospitals was revised so as to permit the isolation of such diseases to be carried out in a hospital jointly maintained by two or more cities and towns ('06 ch. 365). Another act ('06 ch. 225) provided for compensation to a wage earner isolated on account of contagious disease, such compensation to equal three fourths of his regular wages, up to \$2 for each working day. A third act ('06 ch. 371) extends the law excluding from school children who have been exposed to infection with smallpox, diphtheria, scarlet fever and measles to any other infectious or contagious disease. In New Jersey the vaccination law was reinforced to permit the exclusion of teachers or pupils who have not been "successfully vaccinated or revaccinated" instead of "duly vaccinated" (as it read before), and by providing that certificates of exemption must be signed by the medical inspector in districts where such an office exists (N. J. '06 ch. 104).

The quarantine against yellow fever was taken over by the

national government in 1906 in an act (U. S. '05-'06 ch.243) empowering the Secretary of the Treasury to select quarantine stations on or near the coast line of the United States where infected vessels may be detained and disinfected, and to place the same in the charge of the Public Health and Marine Hospital Service. \$500,000 was appropriated "for the purpose generally of preventing the importation of yellow fever and other quarantinable diseases into the United States, and for the further purposes, in co-operation with state or municipal health authorities, of eradicating them should they be imported, of preventing their spread from one state into another state, and of destroying their causes." The Secretary of the Treasury was authorized to negotiate the acquisition for the purposes of this act of local quarantine stations already established; and the transfer of the Louisiana station has been already authorized ('06 ch.203).

**Special diseases.** Legislation in regard to special communicable diseases was not of great importance in 1906. Georgia ('06 p.112) directed the State Board of Health to manufacture and distribute free antirabic virus, a progressive measure, which has been adopted by few Legislatures as yet. Rhode Island appropriated two sums of \$1500 each for the study of the cause and control of diphtheria and tuberculosis respectively. In Mississippi the new science of yellow fever control was recognized in two acts. The first ('06 ch.113) empowered the Board of Supervisors to appropriate money "for screening cisterns and other water containers and fumigating and disinfecting houses where yellow fever existed, or to prevent the introduction of yellow fever by distributing coal oil where stagnant water may be found," whenever such action is deemed necessary by a county health officer. The second act ('06 ch.130) authorized the appointment by the Governor of a field officer of the State Board of Health at a salary of \$2500 with \$1000 more for expenses. His duty is to be to visit all places on the coast where yellow fever may appear and to report thereon to the Board of Health.

A considerable number of new laws as usual dealt with the establishment and maintenance of hospitals for consumptives. In Iowa ('06 ch.120) and Maryland ('06 ch.308) state sanatoria were created during the year. The Iowa act establishes in some detail the conditions for admission, the charges for treatment of those able to pay, etc. The institution is to be under the charge of a superintendent, at a salary not to exceed \$2500, who is responsible

to the Board of Control of State Institutions. \$50,000 is appropriated for purchase of land and construction, and \$4000 a month is to be credited for running expenses to be drawn on at the rate of \$20 a patient. In Maryland the control of the sanatorium is vested in a board of managers, three holding office *ex officio* and six appointed by the Governor. \$100,000 is appropriated for land and buildings and \$15,000 a year for maintenance. Governor Warfield suggested other important measures of control, including the establishment of dispensaries and the development of a system of district nursing. In Massachusetts a resolution was passed creating an unpaid commission to investigate the extent of tuberculosis in the state, the advisability of the care of tuberculous persons by the state, the probable cost of such an undertaking, and the best sites for the erection of new hospitals. \$5000 was appropriated for the investigation (Mass. '06 r.102). In Kentucky Governor Beckham advised the establishment of a state sanatorium; but the Legislature pursued another line by passing a bill ('06 ch.53) which provided for the erection of local sanatoria. In every county containing a city of the first class the mayor of the city is required to appoint a board of 10 persons having power to erect and maintain a tuberculosis hospital as may seem to them best, the expenses to be met from county and city taxes.

In connection with the subject of tuberculosis, reference may be made to the antispitting ordinances adopted by Massachusetts ('06 ch.165) and Virginia ('06 ch.302). Both laws prohibited expectoration on sidewalks and on the floor of public buildings, steamboats or railway cars. The Massachusetts law specifically exempted smoking cars, while the Virginia Legislature evidently held that decency and hygiene are desirable even in smoking cars and therefore required railroad and steamboat companies to provide an adequate supply of spittoons for smokers.

**Practice of embalming and undertaking.** Only a single measure passed in 1906 dealt with the disposal of the dead, an act providing for the registration of undertakers and embalmers in New Jersey ('06 ch.219). The act provides for a board of five members which shall conduct examinations and issue licenses to candidates of 21 years of age who shall have obtained a grammar school education and have served a two year apprenticeship with a reputable funeral director, and who shall show a sufficient knowledge of questions that pertain to "the embalming, burial and disposal of dead human bodies, and to the shipment of bodies dying of contagious

or infectious diseases, or any other cause whatsoever, in accordance with the rules and regulations of the State Board of Health."

**Mosquito control.** Besides the Mississippi laws relating to yellow fever above referred to, New Jersey and New York passed statutes bearing on the mosquito problem. New Jersey two years ago ('04 ch.119) specified "water in which mosquito larvae breed" as a nuisance to be abated by local boards of health. A year ago ('05 ch.80) the director of the Agricultural Experiment Station was authorized to investigate the breeding places of mosquitos on the request of the towns involved, and the state agreed to pay one fourth of the cost of abating the nuisance up to \$500, in the case of salt marches. This year a more comprehensive law was enacted ('06 ch.134). It required the director of the Agricultural Experiment Station to survey and prepare maps of all salt marsh areas and of fresh-water swamps as requested by local boards of health, locating the mosquito-breeding areas. All salt marsh areas breeding mosquitos are to be reported by the director to the local board of health, which must notify the owner of the land to abate the nuisance and in case of his failure must proceed with the abatement itself. If the municipality has no funds available for this purpose the director at his discretion may pay all expenses and if the municipality appropriates half of the necessary sum he must contribute the residue. In the case of fresh-water breeding places the director must make a full report to the local board of health as to the extent of the danger and nuisance involved and the cost of remedial measures; if the cost of abatement equals or exceeds the value of the land without increasing its taxable value the state may contribute half the cost up to \$500 for each municipality. The aggregate sum to be used for the purposes of this act is limited to \$350,000. The New York law ('06 ch.583), though less far-reaching, is also a very helpful one. It provides that a local board of health may declare an accumulation of water where mosquitos may breed to be a nuisance and arranges that the cost shall be borne jointly or severally by the owner of the property, by the municipality or by the owners of adjacent property benefited by the improvement, according to the discretion of the board. In case of assessment upon local property owners, other than the owner of the property where the nuisance exists, a commission is to be appointed by the local courts to carry out the work and to assess and collect the costs. A Massachusetts law, apparently relating to water pollution ('06 ch.529) should really be considered under this head. It

provides for the improvement of the Mystic river valley in the vicinity of Alewife brook in accordance with a recent report of the State Board of Health (under Mass. '04 ch.445) and the plan as recommended by the state board was essentially one of drainage of swamp lands to abolish mosquito-breeding marshes. The sum of \$100,000 is to be expended in the work, the expense being divided among four adjoining cities and towns.

**Pollution of water.** Louisiana has had upon its statute books in relation to water pollution, only a prohibition of the discharge of material likely to obstruct navigation; but in 1906 this state joined those which have taken specific steps to protect water supplies from pollution. The new law makes it a misdemeanor for a person to "knowingly and wilfully" contaminate, or to allow contaminating substances from his premises to enter any public water supply (La. '06 ch.213).

In New York special commissions were created for the study of pollution in the Bronx river and of methods for its prevention ('06 ch.669), and for the study of the pollution of New York bay ('06 ch.639). The second piece of work is an important one, and provides for the continuance of an investigation begun under an earlier act ('03 ch.539); it contemplates a study of the present and future sanitary condition of the waters adjacent to New York city and the best methods of improving and protecting their purity, including the desirability of a comprehensive plan of sewerage and sewage disposal for the metropolitan district. \$15,000 is to be raised for the expenses of the commission by the issuance of corporate stock of the city of New York; and a final report is to be submitted in 1909. New Jersey is to be asked to cooperate in the investigation. No action was taken by the New Jersey Legislature upon this matter in 1906; but the State Sewerage Commission was directed (N. J. '06 p.740) to confer with the proper authorities of Pennsylvania and New York in regard to the purification of the Delaware river.

**Smoke nuisance.** The smoke nuisance was not dealt with in 1906; but President Roosevelt pointed out that the Washington law had been sustained by the courts and urged that it be made more stringent by increasing the fine, and by providing for imprisonment of persons and injunction against the operation of plants, in the case of persistent offenders.

**Buildings: sanitation and safety.** Legislation bearing on building construction related, for the most part, to details which

are not of general interest. In Massachusetts ('06 ch.340) an act was passed recasting the section of the law passed in 1892 ('92 ch.419), which controls building construction in the city of Boston. The new section deals with strength of materials and covers timber, wrought iron and steel, cast iron, stonework, brickwork and concrete. Three acts of Congress regulated buildings in the District of Columbia. The first ('05-'06 ch.138) created a board consisting of the health officer, the building inspector and the assistant to the Engineer Commissioner in Charge of Buildings with power to condemn insanitary buildings. The second (U. S. '05-'06 ch.259) authorized the establishment of a uniform building line on streets less than 90 feet in width. The third (U. S. '05-'06 ch.53) required the erection of fire escapes in certain buildings. In Louisiana a law was passed authorizing the establishment of fire limits and the regulation of construction within them in all cities of over 1000 inhabitants except in New Orleans ('06 ch.91).

An important step in relation to **plumbing inspection** was taken in Ohio by an amendment which relieves the Board of Health from supervising the location, construction and repair of water-closets, privies, cesspools, sinks, plumbing and drains in cities having a building department and placing the work where it belongs. Regulations prescribed by the council are, however, to be approved by the Board of Health ('06 p.188). The Health Board may still of course condemn and abate specific nuisances; but the general regulation of plumbing has only an indirect relation to the public health. The same fact lies at the bottom of a judicial decision rendered in Washington (*State v. Smith* 84 P. 851) which declared unconstitutional the law for the registration of plumbers passed in the preceding year (Wash. '05 ch.66). Mr Justice Rudkin in delivering the opinion of the court declared that the act had "no such relation to the public health as will sustain it as a police or sanitary measure, and that its interference with the liberty of the citizen brings it in direct conflict with the Constitution of the United States," and quoted freely from a dissenting opinion of Mr Justice Peckham in a similar case in New York (*People v. Warden*, etc.) and from the decision of the Supreme Court of the United States, voiced by the same justice in the famous *Baker* case (*Lochner v. N. Y.*). How far the state may restrain the liberty of the individual in the protection of his health and the health of others is a large question which can not be considered as yet settled; but it is certainly a severe straining of the facts to compel the licensing of plumbers as a health measure.

**Boilers and engineers.** The subject of boiler inspection received much attention in Massachusetts, the Brockton explosion being still fresh in the minds of the legislators. Governor Guild pointed out in his message that there were 13,000 steam boilers in the state not inspected by any company, and four acts were passed strengthening the system of supervision. The boiler inspection department of the state police was fortified by the addition of five new members ('06 ch.522) and by the creation of the office of chief inspector ('06 ch.521). It was provided ('06 ch.387) that every steam boiler not examined by state inspectors or by representatives of authorized insurance companies, should be inspected once each year by the licensed engineer or foreman in charge, report being made to the chief of the district police.

**Miscellaneous.** Among miscellaneous measures dealing with the public safety one or two deserve brief mention. An important step was taken in Maryland ('06 ch.244) by the creation of a board to examine and license electricians in the city of Baltimore, broadly defined as persons "conducting or managing a business for installing any wires or **electric apparatus** to convey electrical current or be operated by such current." The board is to be appointed by the Governor from nominations presented by specified technical associations and has power, not only to examine applicants for license but also to draw up regulations for the installation and operation of electrical devices in the city. The conditions of licensing are severe. Applicants must be 21 years old, must have had three years' experience in electrical work, and must pay a fee of \$25 and file a bond of \$1000 to protect the owner in case of loss entailed by defective work. A rejected applicant may appeal to a board of arbitration. New Jersey enacted an elaborate law ('06 ch.91) of 30 sections (14 printed pages), regulating the use of **power boats** above tide water and providing for the licensing of **vessels**, their masters, pilots and engineers.



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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33c

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**AGRICULTURE (GENERAL)<sup>1</sup>**

**J. I. SCHULTE, UNITED STATES OFFICE OF EXPERIMENT STATIONS**

In 1906, 11 states enacted laws relating to state departments of agriculture, farmers institutes, agricultural associations, fairs and weeds.

**State departments.** Georgia ('06 p.110) enacted a law increasing the salary of the Commissioner of Agriculture to \$3000 a year. In Iowa ('06 ch.66) an amendment was passed by which each member present at the agricultural convention is entitled to but one vote and no proxies are recognized. This state also enacted an amendment ('06 ch.67) increasing the salary of the secretary of the State Agricultural Department from \$1500 to \$1800 a year.

The General Assembly of Kentucky ('06 ch.90) passed an act creating a State Board of Agriculture, Forestry and Immigration, consisting of nine members, viz, the Commissioner of Agriculture, Labor and Statistics, ex officio chairman, the director of the Kentucky Experiment Station, an ex officio member, and one intelligent, experienced and practical farmer from each of the Appellate Court districts in the state. It is provided that the Governor shall appoint as members of the board the director of the Experiment Station, together with seven members, one from each Appellate Court district. The director of the Experiment Station is reappointed by the Governor every four years, beginning with the first of January, 1908, and in case he resigns or is removed from the directorship of the station, his successor is appointed to fill his place on the board. Of the members first appointed from the Appellate Court districts, two serve until March 1, 1907, two until March 1, 1908, two until March 1, 1909, and one until March 1, 1910, and their successors are elected by the State Industrial Institute, also established by this act. The board is to meet at least every two months

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1826.

to consider general agriculture and other industrial interests of the state and to take necessary steps to carry out the provisions of this act. Five members constitute a quorum. It is the duty of the Commissioner of Agriculture, Labor and Statistics, with the approval of the board, to see that a farmers and industrial institute of at least two days' duration is held in each county annually for the instruction of the agricultural and industrial public. The county institutes are to select one or more crop reporters from each magisterial district in the county, who are to serve one year without pay, and also one or more delegates to represent the county at the State Industrial Institute. The initial arrangements for this institute are also to be made by the Commissioner of Agriculture, Labor and Statistics and it is to be held at a place agreed upon by the board during January and February of each year. The duration of the institute is to be at least three days and only county delegates are entitled to vote, each county having one vote. At the first state institute, to be held in 1907, two citizens are to be elected from the Appellate Court districts by delegates of these respective districts as members of the State Board of Agriculture, Forestry and Immigration for a period of four years, to fill the vacancies occurring at the expiration of the term of office of the two members appointed to serve until March 1, 1907, and each year thereafter the delegates to this institute from the respective appellate districts shall elect a member of the board for a term of four years to fill the vacancies which shall occur on the first of March of the same year. Vacancies occurring between elections are filled through appointment by the Governor, who has also the power of removing any member of the board for just cause. In addition to the duties specified the board is to aid the Commissioner of Agriculture, Labor and Statistics in the distribution of seed, collection of information concerning crops, and in the promulgation of industrial information generally. It is also to act as a Forestry Commission for the state and as an Immigration Committee. The Commissioner of Agriculture, Labor and Statistics may appoint a clerk and stenographers for the board, subject to the approval of the same. Among other duties of the commissioner are the annual preparation of a report on the state and county institutes, of which 25,000 copies are to be published in book form and distributed free as nearly as possible in proportion to the agricultural population of the several counties. The members of the board are to receive \$5 a day and actual traveling expenses while attending the meetings of the board, such meetings not to aggregate more than 30 days a year. \$25,000 a year is appropriated to carry out the provisions of this act.

Louisiana ('06 ch.201) passed an act authorizing the Commissioner of Agriculture and Immigration to use \$700 of tag funds to pay for the services of the receiver and depositor of said funds, auditing and warrant clerk, and bookkeeper. By this law the secretary to the Commissioner of Agriculture is made receiver and depositor of said funds, auditing and warrant clerk, and disbursing, and his bond placed at \$2000.

A Department of Agriculture and Immigration was created by an act of the Mississippi Legislature ('06 ch.102) and placed under the control of the Commissioner of Agriculture, Statistics and Immigration, his term of office being four years, beginning January 1, 1908. This office is to be filled through appointment by the Governor, who also fills vacancies by appointment. The commissioner is to take an oath of office, give a \$5000 bond, and to have an office in the city of Jackson. His annual salary is \$2400. The commissioner has the right to appoint a clerk at a salary not to exceed \$1200 a year. The duties of the commissioner are the encouragement of the proper development of agriculture, horticulture and kindred industries, and for this purpose he shall foster the organization of agricultural clubs and associations, collect and publish agricultural and other industrial statistics, cause investigations to be made of diseases of crops and the value and cultivation of grasses, and inquire into the different branches of animal husbandry and of agricultural engineering, and also into the market conditions for cotton and cotton goods. The endeavors of the commissioner are not in any way to conflict with the Agricultural and Mechanical College and the Experiment Station, but rather to cooperate with these institutions. The commissioner is also to have collected specimens of wood suitable for manufacture and other purposes, and specimens of agricultural, mineral, phosphate and marl deposits of the state and have analyses made of such as may be deemed expedient. He is also to prepare a handbook of the state, setting forth its resources, and in this connection may call upon the heads of state departments and manufacturing concerns to supply data. By a joint resolution of both houses of the Legislature ('06 ch.103) the name of the department was changed to Department of Agriculture and Commerce.

In New York ('06 ch.29) an amendment was enacted in relation to joining causes of action for penalties incurred for violations of the agricultural law in a complaint. According to this amendment plaintiff may unite in the same complaint two or more causes of action belonging to 11 different categories set forth.

The General Assembly of Virginia ('06 ch.2) by an amendment increased the salary of the Commissioner of Agriculture and Immigration from \$2000 to \$2800 a year, and by an act ('06 ch.27) abolished the office of State Assayer and Chemist, created to analyze soils and assay ores and metals.

**Farmers institutes.** By an amendment the General Assembly of Ohio ('06 p.307) provided that instead of basing the amounts expended for farmers institutes on the population of the county there be drawn each year on the county treasurer, after the existence of one or more farmers institute societies and their compliance with the law have been certified, one order in favor of the president of the State Board of Agriculture for the sum of \$125 and one in favor of the president of each such farmers institute society for a sum not to exceed \$31.25 for the payment of necessary local expenses. The total annual sum paid out in any county is not to exceed \$250 and the payment to any farmers institute society shall not exceed the expenses.

**Associations and fairs.** In Maryland ('06 ch.746) the law was amended to the effect that agricultural associations entitled to state aid are required to forward to the comptroller of the treasury a statement giving in detail the financial condition of the association for the year immediately preceding the application for the benefits to which such associations are entitled under the law. The Maryland General Assembly ('06 ch.387) further passed an amendment by which the executive board of the Maryland State Horticultural Society is to consist, in addition to the president, vice president and secretary of the society and the president or first vice president of the Peninsula Horticultural Society, of three members of the Maryland State Horticultural Society elected by the society, and that the existing board shall remain in office until the next regular election of the board. The annual appropriation of the society is increased by this amendment from \$1000 to \$2000. An amendment ('06 ch. 722) was also passed including poultry associations for the purpose of dealing in eggs, increase of poultry and other things connected with poultry farming in the law providing for the formation of corporations.

In Kentucky ('06 ch.99) an amendment was enacted including among the different lines of exhibits at the annual state fair, in addition to agricultural, mechanical, horticultural, dairying, forestry, poultry and live stock, also mineral and all other industrial interests of the state, and placing the management and control of the state fair in the hands of the State Board of Agriculture, Forestry and

Immigration, which is given power to determine the time for holding said fair each year and may also receive bids for a site upon which to hold the fair and to determine its permanent location. It is provided that the city or county where the fair is proposed to be held for any year shall give security in the sum of \$10,000 to indemnify and guarantee said board against any loss which may be sustained by it in holding the fair for that year. If at the close of the fair the board has on hand funds representing the profits of previous fairs held at that place these funds shall be applied to the payment of any loss sustained before the guarantors in the bond or other security become liable for any sum. After the board shall have determined upon a place for the permanent location of the fair, it is empowered to receive special donations of lands and other things of value for the benefit of the fair and to purchase grounds and erect buildings and make other necessary improvements out of any funds it may have on hand from donations or profits from holding fairs but not from the annual appropriation for the fair. Provision is also made for the disposal of such donations in case of discontinuance of the fair at that place. Heretofore the fair was under the management and control of the Kentucky Live Stock Breeders Association and this amendment makes provision for transferring the affairs and funds to the State Board of Agriculture, Forestry and Immigration and prescribes what is to be done with the unexpended funds the board may have on hand at the time of making the report required in the amendment. Any profits derived from the fair are to be used for succeeding fairs or for the purchasing and providing permanent grounds and buildings when permanently located by the state.

Mississippi ('06 ch.147) passed a law granting a conditional lease of the old Capitol and grounds to the Mississippi Industrial Exposition Company for state fair purposes.

**Weeds.** In Illinois court decisions declared unconstitutional the law ('03 p.87) authorizing the levy of assessments for destruction of noxious weeds against the owner of land in townships in which the board of town auditors has been abolished, on the ground that it imposes an unequal tax and one not based upon valuation.

An act was passed in Michigan ('05 special laws, ch.584) providing for the destruction of noxious weeds in the city of Detroit.

In Texas court decisions declared invalid the law ('01 ch.117) prohibiting companies from permitting Johnson grass or Russian thistles from going to seed on their right of way and providing a penalty in so far as it authorizes recovery of damages.

## EXPERIMENT STATIONS AND INSPECTION<sup>1</sup>

W. H. BEAL, OFFICE OF EXPERIMENT STATIONS, UNITED STATES  
DEPARTMENT OF AGRICULTURE

**Experiment stations.** The most important piece of legislation during 1906 affecting the agricultural experiment stations was the act of Congress of March 16, 1906, known as the Adams act (U. S. '05-'06 ch.47), which provides for "the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887" (known as the Hatch act). The Adams act provided for an appropriation of \$5000 to each of the experiment stations for the year ending June 30, 1906, with an annual increase of \$2000 thereafter for five years, making a total annual appropriation at the end of that period of \$15,000, and thus doubling the amount provided by the Hatch act. The act provides that this fund shall be applied "only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States." The administration of the fund is placed in the hands of the Secretary of Agriculture of the United States, and in his interpretation of the act the secretary holds that the fund provided can be used only for the more advanced scientific investigation relating to agriculture and that "accordingly, expenses for administration, care of buildings and grounds, insurance, office furniture and fittings, general maintenance of the station farm and animals, verification and demonstration experiments, compilations, farmers institute work, traveling, except as is immediately connected with original researches in progress under this act, and other general expenses for the maintenance of the experiment stations, are not to be charged to this fund."

Legislative action accepting the terms of this act and naming the beneficiaries under it was taken during the year in Georgia ('06, p.1161), Iowa ('06 ch.213), Louisiana ('06 ch.50), Maryland ('06 ch.217), Massachusetts ('06 ch.330), Mississippi ('06 ch.233), New Jersey ('06 ch.204), New York ('06 p.1900) and Rhode Island ('06 r.2).

During the year the General Assembly of Virginia passed an act appropriating \$5000 "for the more complete endowment and main-

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1828.

tenance of the Virginia State Agricultural Experiment Station." This act is of special importance as providing for the first direct state appropriation supplementing the federal appropriation for this station. The fund is to be used in harmony with the provisions of the Hatch act.

An act of importance in connection with the Arkansas Agricultural Experiment Station ('05 ch.231), passed in 1905 but not noted in the Review of Legislation for that year, is one which provides for a course of study in agricultural lines in connection with the experiment station, for the establishment and maintenance of substations in different parts of the state, defining certain lines of investigation, providing for the appointment of assistant veterinarians and for veterinary inspection for contagious and incurable diseases of stock, and appropriating \$35,500 for the maintenance, improvement and development of the Arkansas Agricultural Experiment Station for the two years beginning April 1, 1905. Features of special interest in this act are (1) the fact that it confuses the proper functions of the experiment station with those of the agricultural college by providing for the establishment of courses of instruction in connection with the experiment station, and (2) the fixing in detail of the salaries of the employees of college and station without clearly defining the relation of these employees to the two institutions.

**Commercial fertilizers.** Legislation relating to fertilizers was limited during 1906 to amendments of the existing law in South Carolina ('06 ch.49, 96, 97), fixing the time within which analyses must be made at 40 days instead of three months as heretofore; making the inspection apply to cotton-seed meal as to other fertilizing materials; abolishing the imprisonment penalty and eliminating the provision for determining the agricultural value of fertilizers by field experiments, etc.; giving the board of trustees of Clemson College discretionary power to exempt such natural materials containing less than 1% of the constituent elements of plant food as may be deemed expedient; providing for the determination of available phosphoric acid instead of soluble and precipitated phosphoric acid; and numerous minor amendments. The amendments simplify the act somewhat and at the same time make it somewhat more comprehensive. It is still, however, very long and complicated. The fertilizer inspection under this law with its tonnage tax of 25 cents has been a source of large revenue to the Clemson Agricultural College, and under the clause providing for experiments

to determine the agricultural value of fertilizers a certain proportion of this income has heretofore been available for the work of the agricultural experiment station.

**Commercial feeding stuffs.** Legislation on this subject during 1906 included the enactment of laws regulating the sale of concentrated commercial feeding stuffs by the Legislatures of Kentucky ('06 ch.48) and South Carolina ('06 ch.62) and the amendment of existing law in Louisiana ('06 ch.125). The Kentucky law follows in the main the usual lines of legislation on this subject, providing that the methods of analysis of the Association of Official Agricultural Chemists shall be used in the inspection, and making the director of the Kentucky Agricultural Experiment Station responsible for the enforcement of the law. An inspection fee of 20 cents a ton is provided for. This act is not intended "to restrict or prohibit sales of concentrated commercial feeding stuff material in bulk to each other by importers, manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale, or as preventing the free, unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuffs for sale." The law is explicit and direct in its terms and should insure efficient inspection.

The South Carolina law also provides that the methods of analysis of the Association of Official Agricultural Chemists shall be used, and the board of trustees of Clemson Agricultural College is charged with the enforcement of the law. The materials exempted from inspection include "wheat bran, wheat middlings and wheat shorts, separated or mixed, and when not mixed with other substances, and whole seeds and grains and pure meals made from whole grains and seeds." A clause also specifically prohibits the adulteration of feeding stuffs with "foreign mineral or other substance or substances, such as rice hulls, or chaff, peanut shells, corn-cobs, oat hulls, or other similar materials of little or no feeding value, or with substances injurious to the health of domestic animals." This law is also simple and explicit in its provisions.

The Louisiana law was simplified by leaving out the long list of materials subject to inspection. It was also made more specific as regards the guaranty required.

**Grain and grain products.** Acts were passed during the year by the Legislatures of Louisiana ('06 ch.157) and Mississippi ('06 ch.140) to regulate the sale of mill products and cereals and defining the weights and contents of standard packages of these materials.



**Paris green.** The Legislature of New Jersey passed an act during the year providing for inspection of this substance by the director of the State Agricultural Experiment Station. The law fixes the following standard for paris green or any product analogous to it sold in the state: "First. It shall contain arsenic, in combination with copper, equivalent to not less than 50 per centum arsenious oxid. Second. It shall not contain arsenic in water-soluble forms equivalent to more than  $3\frac{1}{2}$  per centum of arsenious oxid" ('06 ch.93).

**Seeds.** The legislation on this subject during the year was limited to an amendment of the Kentucky law of March 24, 1904, by the inclusion of timothy in the list of seeds subject to inspection ('06 ch.37).

## HORTICULTURE: DISEASES AND PESTS<sup>1</sup>

E. P. FELT D.SC., NEW YORK STATE ENTOMOLOGIST

The large number of laws relating to this subject and enacted within comparatively recent years appears to have met most of the necessities, judging from the relatively few amendments and additions made in 1906. Iowa ('06 ch.112) has amended the horticultural law and requires that nursery stock be inspected by the State Entomologist or an inspector duly approved by him, and insists upon a broader certificate, in that it covers dangerously injurious insects or plant diseases. The laws of Maryland ('06 ch.509) have been amended to make the duties and appropriations of the State Horticulturist coordinate with those of the State Entomologist and State Pathologist.

**Gipsy and brown tail moths.** The special legislation relating to these insects has been strengthened in minor details in Massachusetts ('06 ch.268) by giving the superintendent charged with this work power to make, subject to the approval of the Governor, rules and regulations governing all operations by cities, towns or individuals under the act, and designating additional stages of the insect which may be proceeded against. It is also prescribed that the percentage limit of expenditure for any city or town shall be exclusive of any reimbursement received from the commonwealth, and renders liable any person knowingly failing to comply with any of the rules or regulations issued by said superintendent. Rhode Island ('06 r.38) appropriated \$5100 for work against these two insects and provided for the appointment of a commissioner, without salary, giving said commissioner or his agents authority to enter at all proper times on any land for the purpose of carrying out the provisions of the resolution, the entire work being subject to the approval of the Governor.

**Tobacco.** The interests of the tobacco grower have been conserved in Kentucky ('06 ch.33) by the passage of an act making it a felony, punishable by not less than one or more than three years in the penitentiary, for any person to wilfully or unlawfully take or destroy on the premises of another tobacco plants growing in the bed.

**Resume.** The tendency in horticultural legislation, particularly that relating to the inspection of nursery stock, has been

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1844.

toward uniformity, though unfortunately not much has been accomplished. The regulations of the various states, even at the present time, vary in a manner most perplexing to nurserymen shipping stock over a considerable proportion of the United States. Repeated efforts have been made to secure uniformity through the national government, and it is hoped that within a few years this purpose will be accomplished.

The extensive depredations and spread of the gipsy and the brown tail moth in the New England States have resulted in the enactment of several laws, and Massachusetts in particular is making an earnest effort to keep the gipsy moth from spreading. The federal government, through its Bureau of Entomology, is cooperating with this commonwealth and also with Maine, New Hampshire, Rhode Island and Connecticut, where this pest has become established. The control of this insect is already a question of national importance. The federal government, cooperating with Massachusetts, has imported large numbers of beneficial parasites, but, while it is hoped that some of these will prove efficient natural checks, it will not do to rely too largely upon such agencies. No efforts should be spared to prevent the further spread of these insects, and residents of adjacent states should be deeply concerned in the matter and at least give every possible aid in the early detection of the insects before they have become firmly established in a locality. Adjacent states can hardly make provision for controlling these insects until there is imminent danger of their introduction, though influence may be brought to bear upon Congress and as a result liberal appropriations for fighting them obtained from the federal government.

## DOMESTIC AND NOXIOUS ANIMALS<sup>1</sup>

E. V. WILCOX PH.D., OFFICE OF EXPERIMENT STATIONS, UNITED STATES DEPARTMENT OF AGRICULTURE

### Communicable diseases of animals

During the year under review much less attention than usual has been given to the subject of animal diseases by the state Legislatures. One of the chief difficulties which has been experienced in the control of infectious diseases is the payment of indemnities. Wherever indemnities have been offered to the extent of nearly the full value of the animal, it has been found that the operation of the law places an immense burden upon the funds of the state. On the other hand, if the position is taken that diseased animals are without value and should, therefore, properly be slaughtered by the state for the protection of other animals and without indemnity to the owner, opposition is at once met with from the owners of stock, and the consequent lack of cooperation between the authorities and stock owners makes it practically impossible to enforce such laws effectively.

The Governor of Rhode Island in his message to the Legislature stated that the money which had been appropriated for the payment of indemnity was not sufficient for this purpose if a thorough search was made for tuberculous cattle in the state. Even where the number of animals slaughtered and paid for out of the state funds was not large it was held that the payment of the indemnity is not accomplishing the purpose for which it was intended. The suggestion of the Governor was not carried out by the Legislature but an amendment was made to existing statutes (R. I. '06 ch.1354) whereby the State Society for the Prevention of Cruelty to Animals may notify the State Board of Agriculture through their veterinarian or other official of the existence of tuberculosis in any part of the state. This amendment simply serves to make the notification of cases of tuberculosis more certain.

**Indemnity.** In Maryland ('06 ch.431) the law relating to the State Live Stock Sanitary Board was amended and made more specific with reference to the payment of indemnity. The amendment had reference to the slaughter of tuberculous animals after a diagnosis of the disease by physical symptoms or even after a

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1144, 1856, 1875.

tuberculin test. It is also found necessary in Mississippi ('06 ch.122) to provide more definitely for the payment of indemnities for glanderous horses and mules.

**Importation.** On account of the great interest shown by leading stockmen throughout the country in the improvement of their farm animals, it becomes an important matter to regulate the importation of breeding animals in order to prevent the introduction of dangerous diseases. In Iowa ('06 ch.170) this emergency has been well provided for by a law which requires a satisfactory certificate of inspection with all registered cattle imported into the state for dairy and breeding purposes.

**Special animals.** The continued spread of foul brood among bees in states where honey production is an important industry has caused a great deal of trouble among bee raisers and has brought about a necessity of legislation to control the disease. In Ohio ('06 p.55) an already existing act was amended giving the county commissioners more power in the appointment of bee inspectors and in supporting their actions. The effect of such laws is gradually becoming more beneficial as the bee raisers understand better the danger of the disease and the functions of the inspectors.

In 1902 a commission was appointed in Maryland for the study of cerebro-spinal meningitis in horses. Since cases of this disease are rare or almost unknown at the present time, and since other diseases of cattle and horses require the attention of a commission of this sort, an amendment was passed (Md. '06 ch.482) extending the term of the commission until 1908 and empowering them to carry on investigations of tuberculosis and other contagious diseases.

### **Noxious animals**

**Foxes.** The payment of bounties on foxes has, in many instances, been found unsatisfactory, and in New Jersey an amendment to existing laws was passed (N. J. '06 ch.320) providing that bounties need not be paid in any county if the authorities do not so desire.

### **Domestic animals**

As usual in legislation relating to the control of domestic animals, attention was chiefly directed during 1906 to the regulation of stray animals, the matter of ownership and dog taxes. The only matter in this connection worthy of special mention is the increased necessity of the control and supervision of pedigrees on registered stock. Unfortunately the plans made regarding pedigrees of registered

stock of various breeds have not always been clearly substantiated and in many instances serious falsifications have been detected. All breeders recognize the importance of having the matter of pedigrees under complete control so that the ancestry of any registered animal can be determined without question. It has been found possible to regulate this matter through the cooperation of state authorities and the Bureau of Animal Industry of the United States Department of Agriculture.

The registration and publication of pedigrees has received legislative attention in Iowa ('06 ch. 98). According to recent federal law the general supervision of studbooks has been placed under the control of the Bureau of Animal Industry. The legislators in Iowa recognizing this fact require that the owners or keepers of male animals intended for breeding purposes should keep such animals registered in a studbook recognized by the Bureau of Animal Industry and that the pedigree in each case must be passed upon by the federal and state authorities and shall serve as the only basis for the issuance of a certificate by the owner of the stock.

**Dogs.** Unimportant amendments to laws relating to the control of dogs have been found necessary in the laws of New Jersey ('06 ch.259), New York ('06 ch.212), Ohio ('06 p.87) and South Carolina ('06 ch.12), while in Kentucky a new law was passed providing for the promotion of the sheep industry by the better control of stray dogs.

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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33f

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Public Control of Water    R. P. Teele  
Land Drainage            John T. Stewart

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**PUBLIC CONTROL OF WATER<sup>1</sup>**

**R. P. TEELE, EXPERT IN IRRIGATION INSTITUTIONS, UNITED STATES  
DEPARTMENT OF AGRICULTURE**

Very little legislation on this subject was enacted in 1906 as few Legislatures held sessions, and the legislation which was enacted is of little importance. One very interesting feature is the recommendation of Governor Stokes of New Jersey that a commission be appointed to investigate the supply of potable water in the state and to estimate the cost of the acquisition of this water supply by the state. In recommending this commission the Governor said: "But the question will arise as to the right of individuals or corporations to appropriate and sell potable water within the state without the consent of the state." This message of Governor Stokes's shows that the states of the East are rapidly coming to the same situation as regards the use of water for domestic and power purposes that the Western States have reached as regards irrigation. In both sections the old idea that water was free and could be acquired by any one prevailed for a long time, and individuals and corporations were allowed to appropriate the water without restraint, but as the demands have approached the limit of supply there arises in both sections a demand for public control. Throughout the arid region this has been met in most states by the provision for some form of state control of water resources. In a number of Eastern States there is some provision for such control of the use of water for power purposes, while in New Jersey the commission recommended by Governor Stokes has been provided for by law ('06 ch.154, 25 Ap.).

Arkansas has gone farther than any other state in its provision for state control of the use of water for power. In that state any person or any corporation authorized by its charter to do so, may maintain dams for the development of water power. Such a person

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1180.

or corporation is required to file with the Secretary of State, and in the counties in which lands pertaining to the water power are situated, a plat showing the location of the dam site, the stream above the dam site, and lands necessary for the development of the power. This power is to be for public use and to be let to parties desiring it in order of their applications, and the State Board of Railroad Commissioners is authorized to grant franchise for the construction of dams, the franchise to state the maximum compensation per horse power to be received for the use of the power generated. The builders of power plants are granted the right of eminent domain so far as necessary to enable them to condemn lands for the construction of storage dams, provide for the overflow of the water stored, and to acquire right of way for viaducts and transmission lines ('05 ch.323).

In New York the powers conferred upon the River Improvement Commission ('04 ch. 734) have been transferred to the State Water Supply Commission ('06 ch. 418).

The special procedure provided by the Wyoming law for acquiring right of way for irrigation works (R. S. 1899 § 897-900) was declared unconstitutional by the Supreme Court of the state because of failure to provide for notice to the landowner of the time and place of hearing before the appraisers (*Sterritt v. Young*, 82 P. 946). A dictum contained in this decision implies that a law providing for such notice to the landowner would be held constitutional.



## LAND DRAINAGE<sup>1</sup>

JOHN T. STEWART, DRAINAGE ENGINEER, OFFICE OF EXPERIMENT STATIONS, UNITED STATES DEPARTMENT OF AGRICULTURE

As few legislative assemblies were in session during 1906 only a small amount of drainage legislation was enacted. A code of new laws was enacted in Mississippi and nine other states remedied defects in existing laws, by passing amendments and substitutes or by adding new sections to the old code.

The trend of legislation for the year was to give drainage officials more authority in securing right of way and providing for the maintenance of drainage channels, both natural and artificial. Louisiana is the fourth state to enact legislation by which the state becomes a participant in drainage improvements. The proposed amendment to the Constitution of Florida as described in the review of drainage legislation for 1905 was defeated in the November election.

**Arkansas.** An act was passed ('05 ch.53) which provides that levee and drainage boards organized under the laws of the state may enter upon or take and hold any property which may be necessary for drainage or levee purposes. They also have the right to cut and remove timber or other material which in any way may endanger drainage structures. Where it becomes necessary to condemn right of way, three disinterested persons shall be appointed by the circuit judge to act as appraisers. These persons, having been properly appointed and qualified, shall determine the amount of damages due the owner of property by reason of the construction of any drainage structure. In assessing the damages they shall not only consider the property taken, but shall include any inconvenience that may be caused the property holder, interference with natural drainage or damage to crops and buildings. The appraisers shall report their findings to the clerk of the Circuit Court, who shall immediately notify all persons affected and have a notice of the finding published at least four different times, and if no exception is filed by the owner within 10 days after he has been notified, or the publishing of the last notice, the court shall enter a judgment in favor of the owners for the amount of the award against the district. When a property owner files an exception to the award of the board of appraisers, the clerk shall docket the cause, and if a

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<sup>1</sup> See also *Governors Messages and Index of Legislation*, 1192.

trial is demanded it shall be tried as other common law cases. In case the district refuses to pay the award, they may abandon the line and make a relocation and will not be liable for any damages, except the costs.

The act of 1905, chapter 320, makes it unlawful for any person or corporation in any manner to obstruct the free flow of water in any natural or artificial drainage channel, with the exception of natural streams where logs may be floated or booms constructed, so long as they are not the cause of overflows.

**Iowa.** A joint resolution was passed and referred to the next General Assembly ('06 p.210) proposing an amendment to the Constitution which would permit the General Assembly to pass laws enabling the owners of land to organize themselves into districts for the purpose of improving land by drainage, and to give to these districts the right to levy special assessments and to condemn and hold such property as may be necessary for improvements.

In the code relating to levees built by the United States, chapter 83 of the laws of 1906 provides substitutes for sections 1976, 1979, 1982 and 1984, and amends sections 1977 and 1986. The important change in the substitute for section 1976 provides that a petition for drainage, instead of requiring 25 signatures, shall be signed by one or more owners of land lying within the proposed district, a map of which shall accompany the petition.

In sections 1977 and 1982 the classification of lands as dry, low and wet has been excluded, and provision is made for the assessment of the land lying within the district by a levy of a rate upon the assessable value. Where the improvement is for drainage only, the lands may be classified and the tax graduated thereon, as provided in chapter 68 of the drainage laws of the 30th General Assembly.

Chapter 84 of the laws of 1906 provides for several minor amendments to chapter 68 of the laws of 1904. The principal points in these amendments are: giving to the supervisors power to recall the engineer at any time and to select another to act in his place; in providing that the engineer shall accompany the appraisers and furnish them such information as they may call for, and giving township trustees having jurisdiction over highways the same rights as landowners to petition for the establishment of a drainage district.

Chapter 86 of the laws of 1906 provides for the payment of the preliminary expenses of the organization of a drainage district,

as provided for in chapter 68 of the laws of 1904. County supervisors are authorized to pay all general expenses of district organization out of the general county funds, the amount to be replaced to the credit of the county, by the district, as soon as it is established or out of the petitioner's bond if it is not established. Where there is more than one county interested, each shall pay its portion of the preliminary expense, as determined by the engineer in charge.

**Kentucky.** Chapter 76 of the laws of 1906 amends subsection 5 of section 2412a, giving the county judge authority to appoint an inspector during the months of April and November of each year, who shall inspect all creeks in the county and notify the owner of the land upon which any obstruction is found to remove the same within 10 days. If the owner fails to remove the obstruction the judge shall have the obstruction removed, and all costs which shall be thereby caused shall be entered on the tax books as an assessment against the land and collected as other taxes.

Chapter 150 of the laws of 1906 provides that the county judge at any regular session of court, shall cause any ditch or drain to be constructed or cleaned out as hereinafter provided.

Chapter 151 of the laws of 1906 provides that corporations having for their object the drainage of swamp lands shall have the benefit of the present laws and laws hereinafter enumerated bearing on drainage. The County Court upon receiving a petition signed by more than one half the landowners residing within the boundary of the drainage corporation shall appoint three commissioners, who shall assess on all lands within the boundary of the corporation a tax of not less than 10 nor more than 25 cents an acre, per year, for a period of 10 years. A report of this assessment shall be filed with the clerk of the County Court. No error in the assessment, in the description or location of the property, or name of the owner shall invalidate the assessment of any property which can be located with reasonable certainty. At the end of 10 years, another assessment for a 10 year period may be established, by a petition of more than one half of the land owners. After the commissioners' report has been filed, all interested persons are notified and have 30 days in which to file written complaints with the circuit clerk. The clerk shall assign these complaints to a hearing in the Chancery Court, where the report may be rejected or the assessments equalized, as justice requires. Taxes shall be assessed on the first day of July, payable to the company on or after the first day of October, and due on the first day of December. All taxes payable

in October shall be discounted 3%, in November 2%; after January 1 all unpaid taxes shall bear interest at  $\frac{1}{2}\%$  a month until paid. The corporation shall have a lien which shall be superior to all claims except state and county taxes, for all assessments upon lands the same as a mortgage, but said lien shall not continue longer than 10 years before suit is brought for collection. These taxes are to be used by the company for the construction and maintenance of ditches and general drainage purposes. The officers of the corporation may file an affidavit with the Circuit Court, stating on what lands assessments are due and unpaid, and these assessments can be collected in the same manner as other liens, the cost to be added to the assessment, or in case of a suit by the losing party. The corporation has the right of eminent domain for the securing of such lands as may be necessary for the construction and improvement of water courses. In such cases the company is to proceed according to the Kentucky statutes. The directors of the company shall annually, in January, file a detailed report of all their proceedings with the clerk of the County Court. Upon petition of a drainage company to the County Court, an extension of their territory can be made, when the numerical majority of the landowners after being properly notified by the County Court give their consent, such extension shall be subject to this act, and assessments made and collected.

Chapter 152 of the laws of 1906 provides for the organization of drainage districts by the county judge upon receipt of a petition signed by one or more landowners, who file a bond sufficient to cover the preliminary expenses. Three commissioners are appointed by the county judge who are resident property owners in the county, and are not interested or of any kin to any one interested in the proposed district. These viewers shall make a survey and prepare a report showing plans, estimates and specifications of the proposed improvement, a description with the amount of benefits and damages to each tract affected, and make a statement in regard to the public utility of the improvement.

**Louisiana.** Chapter 29 of the laws of 1906 authorizes drainage districts organized previous to the adoption of the Constitution of 1898 to levy and collect annually an acreage tax, not to exceed 25 cents an acre on all lands in the district, when such a proposition is favored by a majority, in number and amount of property of the taxpayers, who by article 199 of the Constitution of 1898 have a right to participate in such an election.

The Board of State Engineers by an act ('06 ch.103) are required to make surveys and to perform such services as the commissioners of drainage districts throughout the state may require, the expense thus incurred by the State Board of Engineers to be paid by the districts where the services are rendered.

An act ('06 ch.108) makes it a misdemeanor, punishable by a fine and imprisonment, for any one to divert or impede the course of water from a natural drain unless it is returned to the natural channel and the velocity outside of the estate of the one diverting it is undiminished.

Chapter 135 of the laws of 1906 amends section 2 of chapter 159 of the laws of 1902 by giving police juries power to fix the limits of drainage districts and to appoint three of the commissioners, the other two to be appointed by the Governor, each commissioner to be an elector of the district, and owning real estate having an assessed value of not less than \$500.

**Maryland.** Chapter 137 of the laws of 1906 provides that any person who feels aggrieved by the decision of the county commissioners in any drainage proceeding can within 30 days appeal to the Circuit Court, the decision of such court to be final. It is further provided that the commissioners appointed by the county commissioners to make any drainage improvement or assessment shall give at least 10 days' notice before beginning their work, and county commissioners after receiving the report of any drainage commissioners shall give at least 20 days' notice of a date set to hear objections to such report before acting.

**Mississippi.** Chapter 132 of the laws of 1906 provides for the election, by the Board of Supervisors, of three drainage commissioners for each county in which a drainage district is proposed to be organized. A petition for the organization of a drainage district shall be signed by a majority of the landowners, who represent one third the area of the land in the proposed district or one third the landowners, owning more than one half the area of the land in the proposed district. This petition is to be filed with the clerk of the Chancery Court. When the proposed district lies in more than one county, the petition shall be filed in the county in which the greater area lies. The clerk shall give three weeks' notice of the filing of the petition to all persons interested, which shall be heard at any date which may be fixed by the chancellor of the court. At this hearing the court shall determine whether the petition is properly signed, whether all persons interested have been properly notified

and whether the lands described by it require a combined system of drainage, and if the court find in favor of the petitioners, the petition shall be referred to the drainage commissioners of the county. The drainage commissioners may employ an engineer, and as soon as practicable go upon the land and determine the route of the proposed improvement, its size and an estimate of its cost, with the damages and benefits to the district lands. If they find that any of the lands described in the petition will not be benefited, they shall report that the same be excluded from the district when organized. Upon the filing of the commissioners' report, the clerk shall fix a date for the hearing and give three weeks' notice to all those interested. The court at the hearing may refer the report back to the commissioners for amendment, reject or confirm the report, as in its opinion may seem best. If confirmed the court shall issue an order organizing the district as a corporate body, under a name mentioned in the petition. As soon as practicable after the order organizing the district, the commissioners shall go upon the lands and assess the benefits and damages to each tract, and shall procure the right of way for the construction of the ditch. In case the commissioners have to pay damages by agreement or condemnation to any person the commissioners shall allow to each landowner through whose land the ditch passes a reasonable amount of damages, so that all lands may be equally compensated for damages sustained. The assessment when completed shall be filed with the clerk of the Chancery Court, and a hearing shall be granted in not less than 15 nor more than 30 days after the date of filing. All interested parties are to receive at least two weeks' notice of this hearing. The court after the hearing shall act on the assessment as justice may require. Any person feeling aggrieved may appeal to the Supreme Court upon such terms as are required by law. At the time of confirming the assessment the court shall state how the assessments or any bonds that may be issued are to be paid. The collection of assessments shall not exceed 10 separate instalments. The county treasurer is to act as treasurer for the drainage districts in his county. Bonds may be issued not to exceed 80% of the levy; they shall not be sold for less than par or bear interest greater than 6%, nor extend over a period longer than 20 years. Contracts for construction shall be let after not less than 22 days' advertising, to the lowest responsible bidder who can give a satisfactory bond. The commissioners and their successors shall have charge of the ditches in perpetuity, and shall annually see that they are cleaned

out and kept in repair, and when necessary make additional assessments for maintenance. Where two or more landowners desiring to construct a lateral ditch in a drainage district can not agree upon the cost to be borne by each, any one of such parties may petition the drainage commissioners, who, by giving due notice, shall lay out the ditch and make assessments in the same way as described for the main district. Commissioners shall receive \$5 a day and expenses for the time actually spent and shall annually make a report showing all proceedings. From the time a petition to organize a district is referred to them, they shall have a right to enter upon all lands for the purpose of making surveys and estimates, or for cleaning out and repairing ditches. Where an upper district is organized which will discharge its waters into the ditches of a lower district previously organized, the lower district shall receive just compensation for furnishing an outlet, and where the commissioners can not agree upon the amount to be paid for such outlet privileges, the matter shall be referred to the Chancery Court in which the districts were organized. Roads and railroads shall be assessed for drainage purposes according to benefits; they shall also remove all bridges which are in the way of ditch construction and replace them after the ditch is completed, expense to be paid by the drainage district. If the owners of any lands lying outside of the drainage district make connection with any district ditch, the commissioners shall make complaint to the court, and after 25 days' notice the court shall give a hearing, and if the complaint is found to be true, such lands shall be annexed to the district and assessed the same as district lands. County property where benefited shall be assessed the same as other lands and the assessment paid out of the general county funds by order of the board of supervisors. Any person who shall in any manner injure a ditch shall be guilty of a misdemeanor and fined not more than \$100 and liable for double the expense of repairing the injury.

**New Jersey.** An act was passed ('06 ch.161) providing that if the outlet of any artificial reservoir or previously drained wet land becomes obstructed and requires cleaning, and the authorities in charge of same shall neglect to do the necessary work, any 10 or more citizens of the municipality, after serving 10 days' notice upon the governing body of such organization, may petition the court for the appointment of three commissioners to construct such drainage channels as may be necessary. The court when satisfied that such work is necessary may appoint three commissioners, to act

until discharged, with full authority to proceed with the work. All expenses incurred by the commissioners and approved by the court shall be paid by the municipality in which the work is done.

**New York.** Chapter 115 of the laws of 1906 amended section 1 of title 16, chapter 8, part 3 of the Revised Statutes by providing that the president of the board of trustees of any incorporated village, the supervisor of any town or any person interested in swamp or wet lands may present a petition to the county court asking that commissioners be appointed for the purpose of opening or deepening drains through the land of others not interested in the drainage.

**Ohio.** A law was enacted ('06 p.280) providing for the election of a township ditch supervisor in any township where there are township or county ditches. The duties of this supervisor shall be to look after the maintenance of ditches. He shall divide all ditches in the township into working sections, and apportion the same to the various landowners or organizations benefited by the ditch construction. When the ditches are located in more than one township, the supervisor shall cooperate in making the apportionment. Within 10 days after the apportionment is made, each party shall be notified in writing of the date of the completion of the apportionment and of his portion. On the second Saturday after the completion of the apportionment the trustees of the township, or if more than one township is interested, the trustees of the several townships, shall hold a joint meeting. At this meeting any person dissatisfied with his portion shall appear and protest, and it is the duty of the trustees after hearing the protest to modify the apportionment or confirm it, as justice may require. The ditch supervisor or supervisors shall be present at this hearing and be notified by the trustees of any change that is made. Each landowner or organization shall mark the terminus of their portion by a substantial marker, having painted on it the number of the section, and clean out the ditch until it is of the same dimensions as when originally constructed. If there is assessed to any of the land \$3 or less, these small sections may be grouped together, and if the parties to whom they are assessed neglect to clean them, or if any landowner or organization shall neglect to clean their portion before October 15 in each year, the ditch supervisor shall let these sections to the lowest responsible bidder, and they shall be paid for out of the township funds and the amount certified to the county auditor, who will enter it in the tax books and it will be collected by the



county treasurer and returned to the township funds. For the carrying out of this law, township trustees are empowered to levy a tax upon all taxable property, not to exceed 5/10 mill. The ditch supervisor shall receive a salary of \$2 a day and when necessary shall be allowed an assistant at \$1.50 a day. Every person or corporation through whose land a ditch passes shall keep it clean of fallen timber and drift. If they neglect to do so, and complaint is made, the ditch supervisor shall examine the obstruction and notify the landowner to remove it. The landowner can within 10 days appeal to the board of trustees, who shall examine into the case and cause the obstruction to be removed at the owner's expense, or have the cost prorated throughout the district.

Sections 4496 to 4498 inclusive, 4553 to 4556 inclusive of the Revised Statutes, and sections 1 to 13 inclusive of an act to provide for the cleaning out and keeping in repair public ditches and water courses, passed April 15, 1902, are repealed by this act.

**Virginia.** The Legislative Assembly of Virginia passed an act ('06 ch.188) providing for the organization of drainage districts where five or more landowners are interested. The interested landowners are to file a bill in the Circuit Court, setting forth the facts, and shall be made the plaintiffs, while others interested shall be the defendants. The court by its commissioner in chancery shall ascertain all the data in regard to the proposed ditch and lands and the amount each tract of land is to be benefited or damaged, and if the report of this commissioner is confirmed a special commissioner is appointed to collect the assessments and supervise the construction. All landowners assessed have the privilege of draining into the ditch, but no other persons shall use this ditch as an outlet except upon terms ordered by the court. When the ditch has been completed and all matters regarding it settled, the court shall remove the case from the docket.

**Washington.** The Supreme Court on April 4, 1906, gave the following decisions:

The finding by the court that a system of drainage is practicable and will increase the value of lands to be drained is a judicial question, and does not delegate legislative authority to the court.

That a jury in establishing a system of drainage and determining damages and benefits to each tract of land does not impose on the court and jury the duty of making assessments in violation of the Constitution.

That the amendment to section 5 of the drainage laws is invalid because it was not included in the title.

The fact that section 5 is invalid does not in any way affect the validity of the remaining sections, as none of them were dependent upon section 5.

A petition for the organization of a drainage district may be amended for the purpose of permitting the drainage commissioners to propose a change in the system, providing a notice and hearing of the amendment be given the defendants.

The fact that some other drainage system might be more feasible does not deprive the court of the power to approve a system already before it.

A petition for the organization of a drainage district should give a complete description of the proposed system, with estimates, plans and specifications.

Where a petition is insufficient from the fact that it does not contain a full description, the commissioners may dismiss the proceedings or take leave to amend.

*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 338

**COMMERCE AND INDUSTRY<sup>1</sup>**

GEORGE MYGATT FISK PH.D., PROFESSOR OF COMMERCE, UNIVERSITY  
OF ILLINOIS

The general character of state laws relating to domestic commerce and industry, enacted during 1906, is shown by the following list: weights and measures, adulterations and imitations, branding, inspection, associations, exchanges, speculation, warehouses, markets, the regulation and licensing of trades and occupations, encouragement of industries, navigation, waterways and miscellaneous trade regulations.

**Weights and measures.** Eleven laws relating to this subject were passed in 1906, five of which were revisions or modifications of existing laws. Most of these laws affected agricultural products. Five states, all in the South, established certain standards of weights and measures and those who neglect to carry out the provisions of the law are subject to penalties. Massachusetts ('06 ch.215) in order to facilitate prosecution against violators of existing laws amended her statutes whereby possession of false weights or measures constituted prima facie evidence of fraudulent intent. This placed upon the suspected individual the responsibility of proving his innocence and thereby rendered prosecution more effective. Two recent laws of California, one ('05 ch.302. Ex parte Dietrich 84 P. 770) requiring packages of butter of certain weight to have the weight marked thereon, the other ('03 ch.251. Ex parte Hayden 82 P. 315) necessitating the marking of packages of fruit which is to be shipped, were both declared to be contrary to the state Constitution on the ground that they were not valid exercises of police power.

**Adulterations and imitations. Branding. Inspection.** Legislation affecting these subjects, as well as laws regulating weights and measures, has formed a prominent feature of not only state, but federal legislation in recent years. As far as national legislation is concerned, witness the federal pure food and meat inspection laws. These laws are due largely to an awakened public conscience and

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1422.

are aimed to protect society against the unscrupulous producer and trader. Three laws relating to adulterations, imitations and inspections and affecting the sale of fish, oysters, oranges, farm products (La. '06 ch.112), the manufacture and labeling of mattresses and couches in which wool or shoddy made from cast off clothing is used (Md. '06 ch.358) and the sale and manufacture of turpentine, linseed and flaxseed oil (N. Y. '06 ch.584) have been enacted during the past year. Iowa and Ohio have both amended existing statutes for the purpose of making their oil inspection more effective.

The most prominent legislation in the above category related to the subject of branding, several states prohibiting the unauthorized use of union labels and society badges and insignia. New Jersey ('06 ch.26) increased the penalty of violators of state trade-marks.

**Associations. Exchanges. Speculation.** Radical legislation relating to these subjects, due largely to a misconception of the true function of speculation, was frequent a few years ago, especially in southern and western states. This movement seems to have spent itself. During the past year Georgia ('06 p.95) passed a general law prohibiting "dealings in futures." It is stated however (§ 8) "that this act shall not be so construed as to prevent or render unlawful the posting or publishing of market quotations or prices of commodities, stocks, bonds and securities by any regularly organized commercial exchange or other bona fide trade organization in which no purchase or sale for future delivery on margin is permitted."

**Warehouses. Markets.** In 1905 Wisconsin passed acts ('05 ch.19, 317) creating a grain and warehouse commission and providing for licensing and regulating warehouses and elevators and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state. Complaints being made that unreasonable charges were exacted at the warehouses in Superior, the Legislature at a special session in 1905, upon the recommendation of Governor La Follette, amended the act whereby any warehouseman or other person deeming charges unreasonable may file complaints with the State Warehouse Commission, which may increase or decrease these charges as its judgment dictates. An appeal, however, may be taken to the Circuit Court of the county in which Superior is located.

Aside from this law there were no other important enactments regarding warehouses excepting, perhaps, a Kentucky law ('06 ch.145) which provided for the incorporation and organization of

warehouse companies and placed them under the supervision of the State Insurance Commissioner.

**Regulation and licensing of trades and occupations.** Laws in this category relate to accountants, barbers, coal and coke dealers, commission merchants, hawkers and peddlers, junk and secondhand dealers, transient merchants, veterinary surgeons, et al.

Rhode Island ('06 ch.1370) has fallen in line with Illinois, Washington, New Jersey, Florida and Michigan in passing an act to create a State Board of Accountancy and to regulate the business of certified public accountants. This law presents no new features but is similar in its organization and powers to the accountancy laws of the other states. There is an interesting reciprocity section (8) in the law which provides that the state board may register the certificate of any certified public accountant of another state provided such state "extends similar privileges to the certified public accountants of this state."

As regards barbers the state of New York repealed the law which created a Board of Barber Examiners whose duty it was to regulate barbering ('06 ch.256), while, on the other hand, the Massachusetts State Board of Health has been instructed to investigate the sanitary conditions of barber shops and to report to the Legislature in 1907 upon the desirability of regulating these establishments.

Many of the state courts have declared it to be unconstitutional to exempt from a peddler's license, farmers who sell from house to house the products of their own farm or garden. In order to obviate the constitutional difficulty, Minnesota amended her Constitution by popular vote in November 1906.

Washington passed a law in 1905 (p.372) which provided that every person who peddles out or "after shipment to the state," canvasses and sells by sample any carriage or wagon, and certain other articles, shall pay in advance a license tax of \$200 for each calendar year, or portion thereof, to be paid in each county in which the occupation is pursued. The purpose of such a law is evident. It was declared unconstitutional (*Bacon v. Locke* 83 P. 721) on the ground that it was class legislation and that it impaired the privileges and immunities of citizens of other states. Similarly Michigan passed a law in 1905 (ch.214) providing for the licensing of transient merchants, but giving any municipality power to suspend the act in any specific instance. This was declared unconstitutional, as it denied equal protection of the laws (*Brown v. Stuart* 108 N. W. 717).

**Miscellaneous trade regulations.** Under this heading two subjects are especially prominent — legal and public holidays and trading stamps. For various social and industrial reasons there is a general tendency in the United States toward shorter labor hours and an increase in the number of holidays. As in line with the latter South Carolina ('06 ch.68) proclaimed a legal holiday for Thursday in counties where the State Agricultural and Mechanical Society holds its annual fair; the first Saturday of March is designated in Arkansas ('05 ch.209) as Arbor day; June 3, Jefferson Davis's birthday, becomes the Confederate Memorial day in Mississippi ('06 ch.120): January 19, the birthday of Robert Edward Lee, is to be observed in the public schools of Arkansas ('05 ch.35) by patriotic exercises. Most interesting of all is the amended Code of Virginia ('06 ch.110), which designates Saturday as a holiday as regards negotiable instruments and as a half holiday as regards the transaction of business generally.

The organized opposition against the use of trading stamps has led to the enactment of laws in many states prohibiting their use. California passed such a law in 1905 (ch.69) and Massachusetts in 1904 (ch.403) but both have been declared unconstitutional, the former on the ground that such a law is not within the police power of the state (*Ex parte Drexel* 82 P. 429) and the latter because it was held to be class legislation (*O'Keeffe v. City of Somerville*, 76 N. E. 457).

**Encouragement of industries.** The subjects generally considered under this heading are bonuses, exemptions, bounties and expositions. Nebraska passed a law in 1895 (ch.1) for the payment of a bounty on the production of sugar and chicory but this law was declared unconstitutional (*Oxnard Beet Sugar Co. v. State* 105 N. W. 716) because it was a pledging of public money for private purposes.

As regards "expositions," the governors of several states, including also the President of the United States, recommended governmental participation in the Jamestown Exposition, and a few states made appropriations for this purpose. Governor Higgins of New York sent a special message to the Legislature recommending provision for celebrating in 1909 the 300th anniversary of the discovery of the Hudson river and the centennial anniversary of the first use of steam in the navigation of the Hudson. It is interesting to note a recommendation of Governor Warfield of Maryland "that it would be well for the state of Maryland to establish in

Baltimore city, its great center of population, a museum of agriculture and manufactures, where could be displayed the product of the state and the output of our manufacturing establishments, thus advertising Maryland's resources."

While the federal government has been more or less interested in restricting immigration many of the Southern States have in recent years been offering various inducements to encourage immigration within their borders. Governor Montague of Virginia stated "the state needs immigration . . . I would suggest the enactment of legislation for the procurement of desirable immigrants who can contribute to our home-building and developing energies." For the purpose of encouraging immigrants several southern states made appropriations.

**Navigation and waterways.** Most harbors and inland waterways are interstate in character and are thus cared for by liberal appropriations from the national treasury. The inability of the railroads to provide adequate transportation facilities for our increasing domestic and foreign traffic is sure to cause increased appropriations for the improvement of our inland waterways. This, however, as has been said, is largely a matter for the federal authorities. A noteworthy exception in recent years is the enormous appropriation of the state of New York for the purpose of enlarging the Erie canal. During the past year there has been no marked state legislation relating to navigation and inland waterways. California has appropriated money to repair the water front at San Francisco; New Jersey and New York have done something toward the maintenance of open piers and buoys; Ohio and Kentucky have removed obstructions from the rivers on their borders—but these deserve hardly a passing notice.





*New York State Education Department*

**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33h

**BANKING<sup>1</sup>**

WILLIAM A. SCOTT PH.D., DIRECTOR COURSE IN COMMERCE AND PROFESSOR OF POLITICAL ECONOMY, UNIVERSITY OF WISCONSIN

Legislation pertaining to banking and similar kinds of business during 1906 presents few features of general interest. For the most part the state Legislatures which held sessions during this year were content with amendments of a minor character, which improved the statutes previously existing but inaugurated no new policies. The substance of the most important of these laws and amendments may be summarized under the following heads.

**Amendments to general banking laws.** For many years the supervision of banking and similar institutions in Massachusetts has been in the hands of a board known as the Board of Commissioners of Savings Banks. This board has now been abolished ('06 ch.204) and for it has been substituted a Bank Commissioner, appointed by the Governor for three years, at a salary of \$5000 a year. This officer has authority to appoint a deputy at a salary of \$3000 a year, five examiners at salaries of \$2000 each, and necessary clerks and other assistants. His duties are substantially the same as those of the old board. The Treasurer, Receiver General and Commissioner of Corporations, however, act with him as a board in matters relative to the incorporation and supervision of trust companies as prescribed in the trust company act passed in 1904 ('04 ch.374) and in certain other matters specifically described in section 2, chapter 114 and section 20, chapter 116 of the Revised Laws of the state.

Two other amendments ('06 ch.66, 347) increase the power of the Bank Commissioner over foreign banking associations doing business in the state. A former act ('02 ch.463) gave the Commissioners of Savings Banks authority to examine the offices of these associations in the same manner as those of domestic banks, but the present amendments go farther and compel foreign banking associations to obtain authorization from the commissioner before beginning business, to report their condition to him on a prescribed date and at other dates specified by him, and to submit

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1679.

to inspection annually, or oftener if required; and give the commissioner authority to apply to the Supreme Court for an injunction to restrain such an institution from doing business in case it has exceeded its powers, or has failed to comply with the law, or is insolvent or in a condition which renders it dangerous to its depositors or to the public.

South Carolina has established the office of Bank Examiner ('06 ch.64): This officer is appointed by the Governor at a salary of \$3000 a year, and must be an expert accountant and have had experience in the banking business. His powers are those usually conferred upon similar officers in other states, namely, the examination of banks at least once a year, the publication of bank reports which must be sent to him four times a year at dates fixed by himself, the report to the banks and to the State Treasurer of violations of law, and the winding up of insolvent or fraudulently and dishonestly conducted institutions after receiving permission from the circuit judge.

Louisiana ('06 ch.140) has amended the banking act of 1902 ('02 ch.179) in several particulars. It now requires all persons engaged in the business of banking to become incorporated and prohibits any other person or persons from using the title "Bank, Banking Association, or Savings Bank." It further requires banks, before beginning business, to furnish "satisfactory proof that they have complied with all the requirements of the law concerning the adoption and recordation of their charter." The old law required only that they should furnish satisfactory evidence of having received in lawful money one half of the subscribed capital. The time fixed for the payment of the balance of the capital stock is now within 90 days after the bank "shall have opened its doors for business" instead of within 90 days after the filing of the articles of association in the office of the Secretary of State. Any increase in capital must now be paid within 30 days after subscription, instead of 10 as formerly prescribed. Instead of calling for reports on or before the first Tuesday in April, June, July and October, and for a date in the quarter just ended, the Bank Examiner is now required to call for reports four times each year, and the date of the report shall be "a certain day then past." The loans which may not be counted in applying the statutory limitation regarding loans to any one borrower must be secured by "good collateral securities or solvent indorsements" instead of simply by pledged collateral as formerly. Loans to officers or employees of the bank may now be

made only when approved by a resolution of the Board of Directors, at which the applicant shall not be present or participate. Loans and discounts, overdrafts or other debts which are past due for more than 12 months and on which interest has not been paid must be classed as bad debts, and either charged off or reduced in value after an appraisalment by the Bank Examiner and two stockholders before any dividend be declared out of the profits of the bank.

Other amendments worthy of notice are by Kentucky ('06 ch.44) requiring incorporation of all persons engaged in the business of banking and another ('06 ch.155) modifying her reserve regulation so as to require only 10% against savings deposits not subject to check and only withdrawable on 30 days' notice, instead of 15% in small towns and 25% in large ones, as formerly; one by Iowa ('06 ch.81) increasing the number of bank examiners from four to five, and another ('06 ch.65) prescribing the procedure to be followed in the extension of bank charters; one by New York ('06 ch.572) permitting the purchase, from a person who already has borrowed from the bank up to the limit prescribed by law, of commercial or business paper actually owned by him, provided that in no event his total liability to the bank or trust company shall exceed 40% of the actual paid-up capital and surplus; two by New Jersey ('06 ch.130) authorizing the Commissioner of Banking and Insurance to apply to the Chancellor for the appointment of a receiver for a bank which does not possess unencumbered assets of at least \$20,000 in excess of its liabilities, and another ('06 ch.156) extending the power of the Chancellor to proceed against a bank to cases in which a bank is in an unsound condition or is violating the laws or its charter or refuses to submit to the legal demands of the Commissioner of Banking and Insurance. Another amendment passed by the last New Jersey Legislature ('06 ch.190) requires bank directors to take an elaborate oath, which must be kept on file by the commissioner.

**Savings banks.** A savings bank act was passed by the last New Jersey Legislature ('06 ch.195). It contains 15 chapters and covers 25 printed pages. The features especially worthy of notice are the following: It is made the duty of the Commissioner of Banking, to whom application for charters must be made, to satisfy himself before granting such requests that the convenience of the region in which the proposed bank wishes to locate will be promoted by such an institution, that the density of population affords reasonable promise of adequate support for such an enterprise, and

that the applicants possess the characteristics necessary to commend the respect and confidence of the community. Managers must not borrow from the banks of which they are officers nor be interested in its profits except as depositors. The investments of such banks must be confined to the following classes of securities: United States bonds; bonds of the state of New Jersey; bonds of other states which have not defaulted in payment of the principal or interest on any debt authorized by their laws; county, township, municipal or school district bonds of New Jersey, provided these corporations have not defaulted in the payment of the principal or interest of any legal obligation for five years, and provided the total indebtedness of the borough or village does not exceed 10% of its assessed valuation, and provided that school district bonds are by law charged upon all the property of the inhabitants of the district; any interest-bearing obligation (other than obligations commonly known as improvement certificates) issued by the city, county, town, township, borough or village in which such bank is situated; bonds of cities or counties of other states, provided the issuing corporation has not defaulted in the payment of the principal or interest of any of its debts in 10 years and its total liabilities do not exceed 10% of its assessed valuation; first mortgage bonds of railroad companies which have paid dividends of not less than 4% regularly on their entire capital stock for a period of not less than five years; bonds secured by first mortgage on real estate in New Jersey, the amount loaned not to exceed 50% of the value of improved and 30% of the value of unimproved property, the total of loans of this class not to absorb more than 80% of the deposits subject to loan. Investments in real estate, other than that obtained upon foreclosures and in satisfaction of debts, must not exceed 50% of the net surplus of the bank, and loans upon notes, bills of exchange and drafts are permitted only in case they be secured by collateral consisting of the kinds of securities in which the bank is allowed to invest or of the stock of national and state banks, or the stock and bonds of other corporations which have not defaulted in the payment of interest and dividends during the two preceding years, provided the loan does not exceed 80% of the value of such collateral, and the aggregate of such loans does not exceed 15% of the total deposits of the bank.

Banks are permitted to keep a reserve fund equal to 10% of their deposits, and in addition to accumulate deposits until the amount of the fund is large enough to render investment profitable. These

funds may be kept on deposit in other banks or invested on pledged collateral of the kind above described. The managers of savings banks are also authorized to accumulate a surplus fund equal to 15% of the deposits, said fund to be taken from the net profits. They must report to the Commissioner of Banking the condition of the bank on the 31st of December of each year and more frequently if he shall demand, and the commissioner must examine each bank at least once in two years. It is also the duty of the commissioner to notify the bank in case it is violating its charter or the laws or is conducting its business in an unsafe manner, and, in case it does not comply with his orders, to direct the Attorney General to proceed against it.

Besides this general law, the New Jersey Legislature extended the provision of its general banking act which makes it a misdemeanor for any bank officer to overdraw his account, to embezzle money or to keep false accounts, so as to include the officers of savings banks, trust companies and safe deposit companies ('06 ch.192).

New York and Iowa also slightly amended their laws relative to the investments of savings banks. The New York amendment ('06 ch.581) makes definite and clear the precise date from which the period of default in the interest or principal payments of a city or state shall be counted in applying that section of the law which prohibits investment in the bonds of cities or states which have defaulted in payments since January 1, 1878, for more than 90 days. The Iowa amendment ('06 ch.78) permits savings banks to invest their funds in the bonds of drainage districts.

**Trust companies.** The most important legislation of the year regarding trust companies was that of New York state, compelling such companies to keep a reserve. A new paragraph ('06 ch.337) was inserted in the banking laws, which requires trust companies in cities with a population of 800,000 or over to keep a reserve of 15% of the deposits and in other cities one of 10%. In cities of the first class one third, and in those of the second class 30% of such reserves must consist of lawful money of the United States, gold certificates, silver certificates, or notes or bills of national banks; the same percentage in each case may consist of bonds of the United States, or the state of New York or cities of the state of New York, and the balance of deposits subject to call in banks or trust companies in the state with a capital of at least \$200,000 or a combined capital and surplus of at least \$300,000, and which have

been approved by the Superintendent of Banks. Whenever the reserve of any trust company falls below the lawful amount, it must not increase its liabilities, except by discounting sight bills, nor declare any dividend, until said reserve shall have been restored, and this restoration must take place within 30 days from the notification required of the Superintendent of Banks. In case of failure to comply with this requirement, the company shall be deemed insolvent and proceeded against according to the laws pertaining to insolvent moneyed corporations.

This amendment is the result of a movement started some time ago by the Associated Banks of New York city to more nearly equalize the conditions under which they and their trust company competitors are permitted to do business. Heretofore the responsibility for maintaining adequate cash reserves in New York city had been borne by the Associated Banks, which are subject to much more severe legal limitations than the trust companies, both as to reserves and as to loans. To this end the power of the Clearing House Association was first employed, with, however, only partial success. The law just described accomplishes only in part what the Associated Banks desire.

Slight amendments to their trust company acts were also made by New Jersey and Maryland. The former ('06 ch.157, 191) increased the power of the Court of Chancery over such companies in precisely the same manner as was indicated above in the description of New Jersey ('06 ch.156) and requires from the directors of such companies the same oath as is required of bank directors by New Jersey ('06 ch.190) described above. Maryland ('06 ch.118) forbids foreign trust and fidelity companies to do business in the state before they have made the deposit required by law and indicates the procedure to be followed in case of a failure to comply with the regulation.

**Building and loan associations.** The New York Legislature passed four amendments to the laws of that state pertaining to building and loan associations. Two ('06 ch.438, 573) make slight changes only; a third ('06 ch.600) facilitates the dissolution of these associations by carefully defining, under four heads, the circumstances under which dissolution is authorized and by specifying in detail the procedure to be followed; the fourth ('06 ch.432) permits directors of such associations to reserve 5% of the net earnings of each dividend period, until a fund equal to 5% of the dues and dividends credited to members by series or otherwise, and to

at least 50% of the book value of all real estate owned, has been accumulated.

A New Jersey act ('06 ch.5) permits trustees appointed to wind up building and loan associations to count as assets property acquired under mortgage foreclosure, and another ('06 ch.54) amends the provisions of the law pertaining to the loans of such associations so as to permit loans to the amount of *two thirds* instead of *one half* of the cash value of improved real estate. Kentucky ('06 ch.96) repealed the provision of law which limited the total value of shares in building and loan associations to \$5,000,000; Ohio ('06 p.173) permits payments to minors or to their order and declares a receipt from such minor or from a properly authorized person acting for him to be a valid acquittance of his rights; and Massachusetts ('06 ch.280) permits payments on loans of amounts of \$50 or multiples thereof, or of smaller amounts, if so provided in the bylaws.

**Pawnbrokers.** The state of Virginia ('06 ch.156) imposed a license fee of \$100 upon pawnbrokers and requires each one to give a bond of \$1000 for the observance of the law. The act also specifies the fees which may be charged for various purposes, the purpose being to prevent extortion and overcharging under any pretext whatsoever. The Supreme Court of Mississippi (*Rodge v. Kelly* 40 S. 552) declared unconstitutional a law passed in 1904 ('04 ch. 76) imposing a license tax on lenders on personal security. In the opinion of the court this law, which aimed to prevent extortion by pawnbrokers, was so worded as to constitute class legislation. New York ('06 ch.41) amended her law so that, in a prosecution against a pawnbroker for advancing money to a child under 16, the defense that the child was the agent of another can not be entered by the courts.





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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 331

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Forestry    G. W. Woodruff & P. P. Wells  
Fish        M. C. Marsh

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**FORESTRY<sup>1</sup>**

GEORGE W. WOODRUFF AND PHILIP P. WELLS, FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE

General forest laws were enacted by several states during the year. Maryland passed a comprehensive forest law ('06 ch.294), creating a nonpartizan State Board of Forestry which appoints a State Forester of technical training and practical experience, at a salary not to exceed \$2000. He supervises forest wardens, extinguishes fires, enforces laws, protects and improves state parks and forest reserves, cooperates with owners of forest lands, collects information, lectures in the State Agricultural College and at farmers institutes and similar meetings, is secretary of the state board, prepares an annual report on the state forest work and recommends improvements therein. He may cooperate with municipal and private corporations and individuals in forest protection and management, nominate forest wardens and allow them compensation for special services actually rendered. They enforce forest laws, protect the state forest reserves and have the powers of constables to arrest and prosecute. \$3500 annually is appropriated for 1907 and 1908 and penalties are paid into the forest reserve fund, and counties may spend money for forest protection, improvement and management. New York ('06 ch.206) empowers the State Forester to appoint a secretary and fix his compensation. Ohio ('06 p.54) creates, at the State Agricultural Experiment Station, a Department of Forestry for the investigation of forest conditions, methods and management, and of wood preservation, which may cooperate with the United States Department of Agriculture to these ends. Bulletins are to be published and reports made, recommending necessary legislation. No extra compensation is to be paid for these services. Rhode Island ('06 ch.1322) provides for a State Forester, who is to publish information and to report annually, recommending needed

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1890.

legislation. Kentucky ('06 ch.90) gives the "State Board of Agriculture, Forestry and Immigration" the power to spend not exceeding \$2000 either independently or, if a like sum is expended by the federal government in the same work, in cooperation with the Forest Service of the United States Department of Agriculture.

The only legislation during the year for tax exemption or bounty was enacted by Iowa ('06 ch.52). So called "forest reservations" (in private ownership), which must be at least 4 rods wide and contain not less than 2 acres with not less than 200 growing forest trees of enumerated species on each acre, are to be assessed for taxation at \$1 an acre. Not more than one fifth of the living trees in any reservation may be removed in any one year, and within one year after the death or removal of any tree the owner must plant and care for another. Grazing in forest reservations is forbidden and violation of the act forfeits its benefits. The secretary of the State Horticultural Society is State Forestry Commissioner, without salary, and receives from deputies in the counties annual reports on forestry matters and the operation of the act for the use of the society. The act also favors "fruit tree reservations" under like conditions.

Several fire laws have been enacted during the year. Maryland ('06 ch.294) charges the forest wardens with the immediate duty of fire prevention and fire fighting. Their expense accounts are rendered to the State Forester, and paid by the counties on vouchers approved by him, and the county may recover from any landowner money which it has been obliged to pay out for fighting fire for his benefit. Fire notices are to be furnished by the State Forester and posted by the forest wardens. The penalty for negligently or wilfully firing another's woods is a fine of from \$25 to \$1000 and imprisonment of from 30 days to one year. Landowners setting fire on their own lands must carefully cut and pile the material, or clear around the land to be burned, and failure to do so, or allowing fire to escape to the injury of adjoining lands, is *prima facie* proof of wilfulness or neglect, creating civil liability for the injury resulting from the fire and for the cost of fighting it. Locomotives and engines in and near forest or brush which do not burn oil as fuel must be equipped with appliances to prevent the escape of fire, under a penalty of from \$10 to \$100 for every offense. The state and the county may recover from the violator of any of the foregoing provisions for all expenses incurred in fire fighting. New Jersey ('06 ch.123) empowers the State Board of Forest Park

Reservation Commissioners to appoint a State Firewarden and fix his salary. Town firewardens must be appointed by the township committees upon notice from the state board, which may appoint, if the committees fail to act, and are removable by the state board. There may be district firewardens within a township and deputy wardens to act in the absence or disability of the town firewarden. The State Warden supervises the local wardens, instructs them in their duties, notifies the state board of all vacancies on the roll of firewardens, sees that the townships are divided into proper districts, that the district firewardens are appointed, has charge of firewardens reports, ascertains the origin of fires, collects evidence and institutes prosecutions for the violation of the act and supervises bills against the state for fighting fires. The local wardens establish fire patrols when and where the state board prescribes, enforce all forest fire laws and the orders of the State Warden as to forest fires, patrols and fire fighting in their respective localities. They may plow land, set back fires, summon any male inhabitant to assist in fire fighting, and require the use of horses and tools for that purpose, under a penalty of \$10 for disobedience. The State Warden, if present, controls fire fighting and may summon firewardens and their assistants from surrounding townships, whose expense in that case shall be paid wholly by the state. Any person may cross or work upon lands of another to extinguish fire. The state board may prescribe additional duties and make necessary regulations for firewardens and may purchase and distribute to them necessary material and equipment. The pay of local wardens and their employees unless fixed by the town committee shall be as follows: for firewardens, while fighting fires, \$3 a day, while otherwise employed, \$2 a day; for helpers fighting fire, \$1, and at the rate of 20 cents an hour for more than five hours; for helpers on patrol or otherwise employed, \$1.50. Detailed accounts are to be rendered by firewardens to the township authorities within one month after the service is rendered, with receipts for all disbursements of \$1 and over. Such bills, when approved, are to be paid by the township, and one half repaid to the township by the state, but the state pays the entire cost of fire fighting on state forest reserves. The local warden reports within 10 days all fires burning over more than one acre to the State Warden, specifying the area burned over, the kind, age and quality of the standing timber, the quantity of forest products, fences, bridges and buildings destroyed, with estimate of their value, the cause of the fire, the names of all persons known or sus-

pected to have knowledge of the cause, and the means of fighting or putting it out. Fire notices are prepared by the State Warden and posted by the local wardens, and are protected from wilful or malicious removal under penalty of \$10. In townships having firewardens the burning of fallows, brush etc. from March 10 to May 31 is not allowed without the written permission of the local firewarden, who shall not grant it if in his opinion any forest or woodland would be endangered. Such permission does not relieve any person from the penalties of the act in case the burning results in a forest fire. All persons burning charcoal, brush, grass or other material must keep a careful and competent watchman in charge while the burning is going on. The wilful, careless or other setting of fire to any waste land, brush land or forest land is forbidden, but any person may set a back fire, ground fire or surface fire upon his own property, to protect it, provided it does not escape to adjoining property. But any firewarden may set or cause to be set any back fire. Violation of the act is punishable by fine of from \$50 to \$200. Firewardens and their deputies may arrest violators without warrant. The penalty in any action is paid to the prosecutor (the state board) which pays one half to the treasury of the state, the other to the informer. New York ('06 ch.206) empowers the Commissioner to appoint a chief firewarden (\$1800) who supervises and instructs town firewardens, enforces the law as to fire districts in towns, commences under authority of the Commissioner prosecution for violations of the forest fire laws, and may from time to time employ expert foresters and a foreman and laborers to hold office during the pleasure of the Commissioner and perform such duties for the preservation of forests as he shall prescribe. The Commissioner must appoint five inspectors, four of whom may serve during the season of forest fires in the forest preserve counties of the Adirondacks, to inspect railroads, report to the Commissioner thereon for the purpose of fire prevention and perform other duties in preventing forest fires.

New Jersey ('06 ch.25) empowers the State Board of Forest Park Reservation Commissioners to cooperate with municipalities, corporations and individuals for the control and management of forest land, the establishment of an arboretum and experiments in forest culture. The state also ('06 ch.46) adopts a new procedure for purchasing lands for state forest reservations. The state board fixes the price and authorizes a contract for purchase, including covenant of title in fee simple, without incumbrance. The executive

officer files an accurate map of the lands in the office of the board, which may order and pay for all searches reported by the Attorney General to be necessary, and when the Attorney General shall advise the board in writing that the title is clear and that there are no encumbrances the board may pay the price fixed. New Jersey also ('06 ch.136) empowers municipalities to use any of their lands for forest purposes, to cut and sell any timber thereof and contract with the state board for the control and management of such lands, which, when so used, are declared to be devoted to public use. New York submits to the Legislature to be chosen November 6, 1906, two amendments of article 7, section 7 of the state Constitution: one ('06 p.1895) permitting the storage of water for public purposes and the construction of dams therefor, upon such lands in the state forest reserve as may be necessary; the other ('04 p.1934) authorizing the removal, by officers and employees of the state, but not by contract, of all timber on burned areas so far as necessary for reforestation, also the sale of lands outside the established limits of the Adirondack Park and Catskill Park, the proceeds to be used only for the purchase of lands in such parks. Any citizen of the state may, with the consent of the Supreme Court or notice to the Attorney General, institute a suit to keep the state preserve as wild forest land.

In Washington a proposed constitutional amendment, submitted in November 1906, making the use of the waters of the state for the removal of timber products a public use, was rejected.

Forest legislation was recommended by the governors of various states as follows:

To preserve the pine forests by restricting cutting by private owners to a minimum of 10 or 12 inches (Louisiana); to foster and preserve the forests and to establish a Bureau of Forestry in connection with the State Fish and Game Commission at the State University (Ohio); to exempt from taxation for a period of 10 or 20 years all timber lands in agricultural sections to the extent of one fourth of the entire tract, if used for forest purposes only, a certain number of trees per acre to be required, and cutting, except for the owner's domestic use, to be prohibited during the period of exemption (Ohio); to protect the wilderness constituting the state preserve in its natural state, but also to encourage commercial forestry by precept and example (New York); to require the timber products of the state to be sawed into lumber by mills within her borders if this can be done under the Constitution (Louisiana).

## FISH AND FISHERIES<sup>1</sup>

M. C. MARSH, UNITED STATES BUREAU OF FISHERIES

The legislation for 1906 was about equal in volume to that of 1904, or of years in which relatively few Legislatures convene. Aside from federal legislation, 14 states participated in passing about 40 acts concerning fish or fisheries. No new fish or fish and game commissions for general purposes were established but Maryland created a Board of Shellfish Commissioners. Only one new hatchery was provided for, on the Hudson river in New York. Legislation on close seasons and restrictions upon methods and apparatus, usually forming a considerable part of the total, is this year meagerly represented. The feature of the year is the increase of comprehensive regulation of the oyster fishery. The necessity of husbanding the oyster supply is everywhere gaining recognition, and there is a distinct trend to the legislation of recent years on this subject as a whole. Its chief feature is rigid control by the state. Water bottoms are coming to be regarded as public lands, natural oyster beds being reserved for public use while barren bottoms capable of growing oysters are portioned off to residents usually by lease for cultivation, instead of in fee simple, the state retaining much authority. States are restricting the shipping of oysters and even shells out of the state, and restrictive regulations are applied to private as well as public oyster bottoms.

**Oysters.** Maryland ('06 ch.711) enacted to establish and promote the industry of oyster culture in Maryland. Residents, but no corporation or joint stock company, may plant and cultivate oysters, but not on natural beds. A Board of Shellfish Commissioners is appointed consisting of three salaried members, who shall employ a surveyor to survey the natural oyster beds of the state. The Governor is requested to ask assistance of the United States Coast and Geodetic Survey and the United States Commissioner of Fisheries to aid in the survey, the completed report and charts of which are to be conclusive evidence of the boundaries of all natural oyster beds and bars, all other regions of Chesapeake bay to be construed as barren bottoms and open for oyster planting. Provision is made for the correction of omissions in the survey. The board is to have marked on the oyster survey maps the grass-grown

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<sup>1</sup> See also Governors Messages and Index of Legislation, marginal no. 1900.

bottoms of tributaries to the bay which are profitable grounds for soft shell crabs and such areas are exempt from leasing for oyster culture. The barren oyster bottoms are to be offered for leasing after the survey, for 25-year terms, the preference being given to owners of water front and oyster fishermen, under certain restrictions of acreage, for 10 months, after which all applications are considered in order. Assignments of interests acquired under this act, to nonresidents, are void. If such assignment is attempted, or assignment to a corporation or joint stock company, all the interest of assignor reverts to the state. The revenues under this act are to be applied, after the payment of its expenses and a balance of \$10,000 each year to the board, to the credit of the "special road fund" in the state treasury.

Congress authorized the cooperation of the two federal bureaus mentioned and appropriated \$15,000 for the expenses of the federal survey work.

In Maryland a general repeal and reenactment with amendments was made ('06 ch.188) of the 1904 law relating to oyster inspectors. The number of inspectors is increased and the tax rearranged. The culling law of 1904 is repealed and reenacted with amendments ('06 ch.439), making it necessary to cull oysters before throwing them into the well or bottom of boat. It is unlawful to transport unmerchable oysters out of the state. A new law ('06 ch.468) applies the culling provisions and size limit (2½ inches) to the Potomac river to take effect only when Virginia passes concurrent legislation.

Governor Warfield in his annual message states the cause of the present oyster famine to be a reliance, "in the face of all experience," solely on the natural supply, while other states with a supply inferior in quality and quantity, have introduced cultivation.

New Jersey increased the appropriation for the protection of oyster beds from \$2000 to \$4000 ('06 ch.35).

South Carolina ('06 ch.60) likewise has regulated her oyster industry, the act including also terrapin, clams, shad and sturgeon. All beds of bays, rivers and shores of the sea not otherwise appropriated are to remain the property of the state for use as a common by the people for fishing and fowling. The Governor is to appoint a board of fisheries of three salaried members, which is to enforce all laws relative to oyster planting and cultivation, fishing and propagation; to have power to police the waters and make prosecutions; to recommend legislation. Four salaried inspectors may be ap-

pointed by the board, whose duties are to collect the taxes imposed by this act. Launches are to be provided for the use of the inspectors. Persons desiring to propagate shellfish, terrapin or fish may lease portions of the state bottoms for 20 years; but not over 500 acres to one individual or corporation. Oysters and clams planted and oyster shells deposited as cultch are made chattels of which larceny may be committed, although there be no interval between the severing and the taking away. Craft violating the law are to be forfeited. Nonresidents may not catch clams, oysters or terrapin from public grounds. May 1 to October 1 is made a closed season, save for replanting. Dredges must not be used in water less than 12 feet deep. Oysters in the shell must not be transported out of the state. Oysters must be culled and those less than 3 inches long returned to the water. An impost tax is placed upon all oysters, clams, terrapin and shad taken for the market, whether from natural or planted beds or waters. The proceeds go to the support of the board, to defray the expenses of the act and to improve the natural and protect the private beds.

Mississippi ('06 ch.133) amended her oyster laws. The changes increase the number of deputy inspectors, require license fees from small boats as well as the larger ones, and packers must include private grounds in their statistical returns. The appropriation for improving the oyster reefs is increased from \$12,000 to \$15,000. The funds applicable to the expense of patrolling Mississippi sound are increased. The close season, the culling provision and the oyster tax are all made to apply to private grounds as well as public. Inspectors may spend \$15,000 a year in dredging oysters where they are too thick and replanting where they are too thin, and in planting shells. New reefs shall not be fished for two years, unless opened by the board after one year. Exhausted reefs must be closed for one or two years. A standard oyster measure is established, and oysters in the shell are forbidden to be shipped out of the state for any purpose whatever, under heavy penalties.

Louisiana passed a comprehensive oyster law in 1904 (ch.52). The act is now amended and reenacted ('06 ch.178). Salaries are increased. The appointment of a chief surveyor is made mandatory. Appropriations for expenses are considerably increased. The oyster tax is to be collected by the Oyster Commission instead of by the parish officers. Disputed water bottom may not be leased until adjudication. Leases run in perpetuity instead of for 15 years. Dredges may be used in a minimum depth of 10 feet of water



instead of 15. The definition of "natural reef" is modified to include areas where oysters "have been found and fished within the past two years."

Virginia ('06 ch.207) forbids the use of "drag boxes," tubs, sacks or other receptacles for taking oysters by dragging over bottoms. This law is apparently aimed at evasions of the dredging law.

**Terrapin.** New Jersey ('06 ch.63) devotes an act to the protection and regulation of the fishery for this valuable animal. Statutes rarely designate the objects of fisheries by their technical names but this one is entitled: "An act for the protection of *Malaclemmys palustris*, commonly called diamond-backed terrapin," and the expression is used throughout. The chief features of the law are: close season, April-November; use of nets of any sort, or weirs, in capturing forbidden; size limit, 4 inches; penalty for destroying eggs; fish and game commissioners, protectors and wardens may arrest for violations of act, and may without warrant search for terrapin and liberate in the water those illegally held. There is no liability for damages on account of the arrest, seizure or liberation.

In South Carolina the oyster law ('05 ch.60) cited above covers terrapin in part. The impost tax is 5 cents on each one caught for market. It is unlawful to sell or ship them without the Board of Fisheries stamp certifying to payment of tax. Marshes may be leased for propagating terrapin.

**Fishways.** Kentucky ('06 ch.115) requires "fish ladders or roads," over dams where the "annual tides" are not high enough to admit the passage of fish, to be maintained during April, May and June. The Governor of Wisconsin in his message called attention to the laws of 1905 requiring dams, booms and piers to be equipped with a special kind of patented fishway, and remarks that there is no necessity for fishways in booms and piers and that a patented fishway should not be required at all. In accordance the Legislature ('05 ex. sess. ch.16) amended chapter 461 of the laws of 1905, leaving power mainly to the Commissioners of Fisheries.

**Alaskan fisheries.** Federal legislation contained a measure to prohibit aliens from fishing in the waters of Alaska, aimed particularly at the Japanese. But chief importance attaches to the act (U. S. '05-'06 ch.298) for the protection and regulation of the fisheries of Alaska. This deals particularly with the salmon fishery. It taxes all prepared fish products, exempting the salmon pack, in cases where the packers operate hatcheries, at the rate of 10

cases for every 1000 king or red salmon fry liberated. Inspection of these hatcheries is provided for. Various restrictions are placed on the use of nets, and for net-fishing a weekly close season is established from Saturday to Monday. The Secretary of Commerce and Labor, who is charged with enforcing the act, may close over-fished streams and set aside waters as preserves for spawning purposes. Salmon dead longer than 48 hours may not be salted or canned for sale as food. Fishermen and packers are required to report annually to the Secretary of Commerce and Labor such facts as may be required by this official, who is given power to make additional regulations, not inconsistent with law, for the purpose of giving effect to the act. District Courts in Alaska or United States District Courts in any of the Pacific coast states may try violations, and the court has discretion to inflict heavy penalties.

**Sponge fishery.** Florida statutes forbid the use of diving apparatus in securing sponges. Recently a large number of Greek sponge divers began to ply their occupation off the Florida coast, but outside the territorial limit. A federal law to take effect May 1, 1907, drafted in accordance with suggestions of the United States Bureau of Fisheries, forbids the landing, curing or offering for sale at any place in the United States of sponges taken with diving apparatus, save that sponges so taken between October 1 and May 1, in water more than 50 feet deep, are excepted. A size limit of 4 inches maximum diameter is fixed.

It is worthy of note that this federal legislation was invoked on account of lack of state power to deal with the question; that the fishery affected is outside state or national jurisdiction; and that the desired end is gained indirectly, by barring the product of the offensive fishery from access to the country. Similar legislation in 1887 put an effectual ban for five years on the southern spring mackerel fishery, an American industry, in a futile attempt to increase the abundance of mackerel.

**Miscellaneous.** In New Jersey ('06 ch.271) it was made a misdemeanor to take fish from nets without permission of owner, or to wilfully mutilate fishing gear. The Governor of New York recommended the recodification of forest, fish and game laws. The Governor of Ohio referred to the statement of the Fish and Game Commission complaining of lax fishing laws for Lake Erie, and asserting the necessity of stringent legislation to stop the rapid depletion of fish in Ohio as a whole as well as Lake Erie. In Louisiana ('06 ch.121) all the fish found in the state were declared to be the property of the state. It was made unlawful to catch bass

save by angling and to use drugs, explosives or sawdust to catch or kill fish. No one may kill fish at night by "striking" (spearing). Likewise in Ohio ('06 p.257) a license is required for fishing other than by angling, and ('06 p.250) electricity, poisons or explosives are forbidden. In Rhode Island ('06 ch.1344) waters stocked at the expense of the state may not be fished until three years thereafter. Maryland appointed a joint special committee of the General Assembly to confer with Pennsylvania in reference to propagation of food fishes in the Susquehanna river.

**Colorado decision.** A court decision in Colorado is of unusual interest in its bearing on the public right of fishery in streams stocked at public expense, and in the diverse opinions of the justices. It is *Hartman v. Tresise*, Supreme Court of Colorado, June 5, 1905.

Plaintiff owned both sides of a stream stocked with fish by the state. His lands were fenced and posted as required by law, and were acquired from the United States after Colorado had been admitted to the Union. Defendant, against the will of plaintiff, fished in the stream, asserting the right thereto and refusing to desist when requested. Plaintiff brought action. Defendant justified under the state Constitution providing that "the water of every natural stream, not heretofore appropriated, within the state of Colorado, is hereby declared to be the property of the public, and the same is dedicated to the use of the people of the state, subject to appropriation as hereinafter provided" (§ 5 art. 16), and under a state law of 1903 which provides "that the public shall have the right to fish in any stream in this state, stocked at public expense, subject to actions in trespass for any damage done property along the bank of any such stream."

The District Court dismissed the action on the constitutional and statutory grounds above and held that a perpetual easement was conceded to the state over public lands for the natural streams which are a part of such lands, by the ratification of the state Constitution by the United States government, and that therefore lands acquired from the public domain were to this extent subject to the right of the state.

On appeal the Supreme Court of Colorado reversed the judgment, four justices concurring, one concurring specially, and two dissenting. The main opinion held that the state Constitution in declaring unappropriated waters the property of the public and dedicating the same to the use of the public subject to appropriation, did not grant any right of fishery or easement for its enjoyment, nor has such right been otherwise recognized as vested in the state,

save by the statute of 1903 which is held void for at least two reasons:

1 By an enabling act and subsequently an ordinance the state relinquished all right to public lands within the territory, and the exclusive right of Congress to dispose of those lands has been recognized. Plaintiff acquired the lands from the United States subject to no right of fishery or easement. The common law holds, and owning both sides of the stream the plaintiff has exclusive right of fishery within his lands. Defendant conceded this construction at common law.

2 Even if defendant had the right to fish, he had no easement over plaintiff's land, and the statute of 1903, attempting to make lawful a trespass by providing for recovery in case of damage, is unconstitutional since it permits the taking of private property for private use without just compensation. It is, moreover, in conflict with laws of Congress relating to the disposition of public domain.

The justice concurring specially agreed in the reversal but not in the reasoning of the main opinion. He excluded the bearing of riparian rights, and resolved the difference under the game law of 1899 which he held to rule by elimination of the law of 1903, in whose unconstitutionality, and reasons therefor, he concurred. He believed the question of issue to be simply summed up by query of *amicus curiae*: Has a fisherman the right to fish where the game law says he shall not? The law of 1899 governs, which provides that "no person shall shoot from a public highway at game, or fish, or hunt game in any inclosure not public land, without the consent of the owner or persons in charge of the same."

The dissenting opinion is emphatic and at twice the length of the main and special opinion together. It traces the development of fishery rights from early times in England, and insists that despite exceptional rulings in a few cases, as in Illinois, the great weight of authority upheld the doctrine that the public right of fishery ran with the public right of way in streams; that the Constitution (§ 5 art. 16) makes the waters of every natural stream in Colorado public; that the right of fishery has always existed in public streams and this not because they were navigable but because they were public. "There is no higher authority for making a stream public than the declaration of the people themselves . . ." State legislation has habitually assumed right of use of the stream bed as well as public ownership of the water.

Riparian rights depend on state laws and the plaintiff, having filed upon his lands under the State Constitution, never had any

right of way in the bed of the stream save subject to the right of the public. The public has believed that the right of public fishery existed in all the streams of the state, and this they have shown by establishing hatcheries and by protecting the fish, having spent more than \$300,000 in this way since the adoption of the Constitution. If plaintiff's contention is correct all this is to inure not to the benefit of the people at whose expense it has been done, but to that of adjacent proprietors.

The action of plaintiff neither alleges nor pretends any injury whatever and "is unconscionable and should not be tolerated even though it might be maintained on technical grounds. . . . All that is complained of is that he (defendant) stepped his foot upon the plaintiff's barren soil, or boulders and gravel (in the bottom of the stream) and this is made the basis of an action. The doctrine *de minimis non curat lex* ought to apply with striking force in a case so barren of right, equity or justice as this. If not, it may well be inquired as to when, and under what circumstances, the court will cease to take cognizance of trifles."

The denial of right of public fishery will amount to a confiscation of nearly half a million dollars of the people's money and its diversion to the benefit of a few. In that event the Legislature to be consistent should dismantle the fish hatcheries, abolish the fish warden's office, and refuse further appropriations for propagation and protection.

Comment is then made on the special concurring opinion, the reasoning of which is also held untenable. The question is not, Has a fisherman the right to fish where the game law says he shall not? but it is, May a fisherman fish where the game law says he may? Even assuming the unconstitutionality of the proviso in question of the act of 1903 it does not necessarily follow that the act of 1899 governs, for it was possibly repealed by the repealing clause of the act of 1903. Into this question it is unnecessary to go, for in imputing to the clause "subject to actions for trespass for any damage done the property along the banks of any such stream," permission to damage property and consequent unconstitutionality, words are read into this statute which are not there. "The statute gives the right to fish in the stream and that is all that it gives." If this may be done without injuring property then the Constitution is not violated. It is apparent that it may be so done. It is a forced construction which finds in the provision for recovery for damage authority to commit a trespass. The fair construction is that the statute shall not be so construed as to permit damage.



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Courts and the Practice of Law    Isidor Loeb  
Corporations    Richard C. Harrison

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## COURTS AND THE PRACTICE OF LAW<sup>1</sup>

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### Courts

**Tenure and term.** During the period under review there were no measures of importance affecting the tenure and term of judges. In Ohio, slight changes were made in the terms of judges of the Supreme Court ('06 p.269) and of the judges of the Courts of Common Pleas ('06 p.119) in order to make them conform to the provisions of the amendment to the Constitution ('04 p.640) adopted in November 1905, which established biennial elections and required even-year terms for administrative and judicial officials.

**Compensation.** The existing movement for the increase of judicial salaries which has been in progress for nearly a decade (Review of Legislation 1903, g2-4; 1904, g1, g2; 1905, p.27-29) found expression in a number of enactments during 1906. In Louisiana, the salaries of justices of the Supreme Court were increased from \$5000 to \$6000 ('06 ch.74) and under an amendment to the Constitution ('06 ch.137) adopted in November 1906, providing for a reorganization of the Courts of Appeal (*see below*, "Intermediate Appellate Court") the salaries of the judges of the Court of Appeal for the parish of Orleans were increased from \$4000 to \$5000. Another amendment to the Constitution of Louisiana ('06 ch.216), adopted at the same time, provides a uniform salary of \$3000 for all district judges, instead of \$2000, \$2500 and \$3000, which had been provided as the salaries of the judges of the three classes, respectively, into which the judicial districts of the state had been divided by the Constitution of 1898. Virginia is another southern state in which an increase in judicial salaries was made ('06 ch.321), the judges of the Supreme Court of Appeals

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<sup>1</sup>See also Governors Messages and Index of Legislation, 590.

now receiving \$4500 in place of the former salaries of \$4000 for associate justices and \$4200 for the president of the court. Governor Vardaman of Mississippi recommended an increase in the salaries of Chancery and Circuit Court judges, but no action of this nature was taken by the Legislature. In Florida, the people were not willing to follow the Governor and Legislature, rejecting, in November 1906, the two constitutional amendments, proposed in the preceding year ('05 p.432), which provided for increases in the salaries of justices of the Supreme Court and circuit judges (Review of Legislation 1905, p.28) and for grading the salaries of judges of criminal courts according to the population of the counties.

In New Jersey ('06 ch.318) a change was made in the classification of judges of the Court of Common Pleas so as to increase the salaries of such judges, in counties containing between 35,000 and 45,000 inhabitants, from \$2000 to \$3000, while in Massachusetts the privilege of retiring on half pay, when 70 years of age, after 10 years' consecutive service, was extended to judges of probate and insolvency ('06 ch.474). In California, a decision of the Court of Appeal (*Johnson v. Gunn* 84 P. 370) will probably overturn much of the legislation regulating the compensation of justices of the peace. It was held that the constitutional prohibition upon special legislation prevented the Legislature from fixing ('01 ch.234) the compensation of justices of the peace, in townships of a certain population, in counties of a certain class, at a different amount than that which was established in townships of the same population in counties of different classes. In Missouri, it was held (*State v. Messerly* 95 S. W. 913) that a similar constitutional provision rendered invalid an act ('99 p.215) which changed the compensation of justices of the peace from fees to salary in cities of a certain population, "lying wholly within one township, except cities operating under special charter."

The increase of judicial salaries has been partly due to a general movement for raising the compensation of officials which has extended to the clerical and administrative officers of courts. During 1906 acts were passed increasing the compensation, in certain cases, of court stenographers in Ohio ('06 ch.6), New York ('06 ch.522) and Virginia ('06 ch.321); of prosecuting attorneys in New Jersey ('06 ch.73), Ohio ('06 p.160) and South Carolina ('06 ch.79) and official interpreter in New Jersey ('06 ch.143).

**Supreme Court.** During the period under review no legislation was enacted increasing the number of judges of the Supreme Court



in any state. On the contrary, the New York Legislature failed to repass the proposed constitutional amendment ('04 p.1936) authorizing the Legislature to increase the number of judges of the Court of Appeals (Review of Legislation 1904, g3).

**Supreme Court commission.** Kentucky adopted ('06 ch.6) the plan of a temporary Supreme Court commission to relieve the crowded docket of the Court of Appeals, authorizing a majority of such court to appoint a Commissioner of Appeals to hold during the pleasure of the court which is required to terminate the appointment when the business of the court does not require such commissioner.

**Intermediate Appellate Court.** Governor Terrell of Georgia called attention to the crowded docket of the Supreme Court, but recommended the establishment of a permanent court of appeals to relieve the situation. The Legislature incorporated this plan in an amendment to the Constitution ('06 p.24), which was adopted by the voters in October 1906. The new court consists of three judges elected for terms of six years with the same compensation as judges of the Supreme Court. In defining the jurisdiction of this court Georgia did not follow the usual practice of considering the pecuniary value of the cases but left to the Supreme Court appellate jurisdiction in all civil cases from the Superior Courts and in all cases of capital felony, and gave to the Court of Appeals appellate jurisdiction in all other cases coming from the Superior Courts and from the city courts of Atlanta, Savannah etc. This division of jurisdiction between the new court and the Supreme Court makes possible the conflict of decisions which has arisen in a number of states which have adopted this plan. While the Court of Appeals must certify to the Supreme Court all questions involving the state Constitution or the Constitution of the United States and may certify any other question of law and is bound by the instruction given by the Supreme Court in such cases, there is no provision for the Supreme Court to order the Court of Appeals to certify any question. In some states a single judge of the Intermediate Appellate Court can secure a transfer of a case to the Supreme Court if he considers that there is a conflict of decisions, but the Georgia act does not contain such a provision. It may be safely predicted that there will be decisions of the Court of Appeals which are not in harmony with previous rulings of the Supreme Court.

In Louisiana, where there have been five Circuit Courts of Appeal in addition to the Court of Appeal for the parish of Orleans, this

conflict of decisions has been prevented by the power of the Supreme Court (Const. art. 101) to require cases to be certified to it from the Courts of Appeal, but considerable embarrassment was created by the Constitution of 1898 (art. 99), which required that, after July 1, 1904, each of the five Circuit Courts of Appeal should be composed of two of the District Court judges, to be designated by the Supreme Court, instead of judges specially elected for this purpose. As early as 1902 an attempt was made ('02 ch.126) to amend the Constitution so as to provide two Circuit Courts of Appeal, each consisting of three specially elected judges, to take the place of these five courts, but the amendment was rejected by an overwhelming majority of the voters. The effort was renewed at the next session of the Legislature ('04 ch.132) but the proposed amendment was again defeated, though by a much smaller majority. Encouraged by the growth of sentiment in its favor the supporters of the movement secured the submission ('06 ch.137) of practically the same amendment and this time it received popular ratification. The only important difference between the amendment proposed in 1904 (Review of Legislation 1904, 84) and the one which was recently adopted is that the former provided that the judges, including the judges of the Court of Appeal for the parish of Orleans, should receive a salary of *not less* than \$4000 while the amendment of 1906 fixes the salary at \$4000, except in the case of the latter judges, who are to receive \$5000.

**Other intermediate courts.** During the period under review there has been evidence that the natural growth of judicial business has continued to necessitate some relief for courts exercising original jurisdiction. While the voters in Florida rejected the proposed constitutional amendment ('05 p.433) providing for a Court of Record in Escambia county, in Louisiana they adopted an amendment ('06 ch.12) which they had rejected two years previously ('04 ch.29) providing for two district judges in place of one in the First Judicial District. Georgia adopted the amendment ('05 p.66) proposed in 1905, which authorizes the Legislature to increase or diminish the number of judges of the Superior Court for any circuit, while in Virginia where the Constitution of 1902 had established 24 circuits but had authorized the Legislature to increase or diminish the number after January 1, 1906 (§ 94, 95), the total was increased to 29 ('06 ch.117). In Kentucky and Mississippi, where the Governors recommended an increase in the number of judicial districts, the Legislature failed to enact the necessary legislation. In the former

state, however, the Legislature adopted another means, recommended by the Governor to improve the condition, by providing ('06 ch.23) for a special judge, to be appointed by the Governor, whenever the regular judge can not attend at a special term because the court is in session in some other county of the district.

The provision for a special judge in a district is similar to that for a Supreme Court commission in that it is generally regarded as a temporary expedient. This was the view of Governor Heyward of South Carolina, who recommended in view of the increase in the number of circuits in the preceding year (Review of Legislation 1905, p.31) that the law, adopted in 1900 (ch.186), providing for special courts be repealed. In New Jersey, on the other hand, a law, adopted in the same year ('00 ch.149), which provided for the appointment by the Governor of three special circuit judges to hold the Circuit Court in the respective counties, in the absence of a justice of the Supreme Court, and which was amended in 1904 (ch.29) and 1905 (ch.268) so as to increase the number of judges to be appointed to four and five respectively, was again amended ('06 ch.285) by adding two additional judges for terms of seven years, making seven special judges whose offices are apparently intended to be permanent. Another New Jersey law ('06 ch.119) provides that in any county two or more Circuit Court judges may sit separately at the same time for determining matters, and in Kentucky a law ('06 ch.13) was adopted which provides in great detail for the division of cases in Circuit Courts having continuous sessions and two judges. All criminal cases go to one judge, while civil cases are to be divided equally between the two judges by a secret lot, which is so arranged as to prevent collusion in assigning particular cases to one of the judges. If one judge is overburdened, the civil cases are to be divided between the two judges in the ratio of one to two.

**Police courts and justices of the peace.** During the past year there were no important changes in the law affecting police courts or justices of the peace. New Jersey ('06 ch.286) provided for the appointment, by the Governor, of a commission of three persons to prepare and submit to the next regular session of the Legislature a revision and codification of the laws relating to police courts. In Massachusetts ('06 p.843) there was referred to the next Legislature a proposed constitutional amendment authorizing the Governor, with the consent of the Council, to remove justices of the peace and notaries public.

**Public prosecutor.** Slight evidence of a tendency to introduce a degree of central control over local public prosecutors appears in an act of Louisiana ('06 ch.123) requiring the Attorney General, in certain cases, to designate a district attorney to prosecute proceedings for the state in another district than that for which he was elected. Of a similar nature is the renewed recommendation of Governor Montague of Virginia that the commonwealth's attorneys be required to report at least quarterly to the Attorney General the style and disposition made of every cause to which the commonwealth is a party.

### Practice of law

During the period under review there was no legislation of importance regarding the practice of law. The voters of Indiana refused to adopt the proposed amendment to the Constitution ('05 ch.171) giving to the Legislature the power to prescribe qualifications for admission to bar, hence the existing provision, under which every voter of good moral character may practice law in all courts, will be retained. A New York law ('06 ch.154) dispenses with the former requirement for an annual publication of all additions to the official register of attorneys.

## CORPORATIONS<sup>1</sup>

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There was little important legislation affecting business corporations enacted during 1906. Of the leading charter-granting states New York and New Jersey alone had legislative sessions. New Jersey has a commission at work on a revision of the corporation statutes and consequently did little, pending its report. Insurance legislation engrossed the attention of the New York Legislature to the exclusion of other corporation matters.

**State supervision and reports.** One law, introduced by the Insurance Investigation Committee of New York, is of general interest to corporations. It has been made a misdemeanor for an officer or employee of a corporation to make or concur in making any false entry in the books or accounts or to omit or concur in omitting any statement required by law to be made in any written report of its affairs or pecuniary condition ('06 ch.286).

Georgia has required the filing of an innocuous annual report by all corporations except banks doing business in the state. No information concerning the financial condition of the corporation is required except a statement of its authorized capitalization and only a general statement of the nature of the business engaged in need be included. Beyond furnishing a list for purposes of taxation it is difficult to see what purpose such a report can serve ('06 p.105).

Massachusetts has given the Supreme Judicial Court greater discretion in the matter of penalties for failure to file the annual report or the tax returns by removing the minimum per diem fine ('06 ch.346).

The same state has sought to prevent abuse of power by corporations by permitting the Supreme Judicial Court, upon relation of the Commissioner of Corporations, to enjoin corporations from doing business not authorized by charter and foreign corporations attempting to do business in the state without first having met the statutory conditions (Mass. '06 ch.372).

**Incorporation and management.** Two interesting statutes affecting incorporation were adopted during 1906.

Massachusetts removed the restriction against the incorporation of companies to distil or manufacture intoxicating liquors under the general act. Theretofore such corporations could be formed

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<sup>1</sup> See also Governors Messages and Index of Legislation, 500.

only under special act of Legislature (*Enterprise Brewing Co. v. Grime*, 173 Mass. 252, 256; *see also* Op. Atty. Gen. June 16, 1899).

Mississippi provided for the domestication of foreign corporations by reincorporation ('06 ch.114). This act does not obligate foreign corporations to become domestic as a condition of doing business in the state since they may still take advantage of chapter 45 of the laws of 1900.

Several minor laws affecting the management of corporations are worthy of notice.

Ohio joined the respectable minority of states which allow the sale of the entire corporate assets and franchise ('06 p.229). A proviso is made that the sale shall not be for the formation of any trust or combination in restraint of trade or competition and the usual provision is made for the appraisal and purchase of the shares of dissenting stockholders.

The same state has increased the maximum number of directors of business corporations from 15 to 30 ('06 p.294). This is the highest number allowed by any state having a fixed maximum and appears of doubtful expediency in view of the unwieldiness of large directing boards.

New York has somewhat simplified its cumbersome procedure for changing the corporate name by reducing the time required for publication of notice from six to three weeks ('06 ch.89).

Owing to the San Francisco disaster, California was confronted with the problem of providing for the replacing of destroyed charters and corporate records. The former may be refiled in the form of a certified copy of the original papers filed with the state officers ('06 ch.61). Any corporation, by its board of directors, or any stock or bond holder may petition the Superior Court where the principal office of the company is located to restore destroyed records. Provision is made for a hearing, upon notice to all interested parties, and for the disposition of stock, bonds and papers whose ownership can not be determined ('06 ch.63).

**Rights and liabilities of stockholders.** Virginia has amended its law concerning notice of stockholders meetings so as to require written notice to each stockholder in addition to the notice by publication ('06 ch.17). This brings the state in line with the great majority of jurisdictions in this matter.

The most important change in stockholders liability was the adoption by Kansas of the constitutional amendment proposed by chapter 542 of the laws of 1905, reducing liability for debts to the amount unpaid on stock subscriptions in place of liability to a

sum equal to the stock held. This leaves but two states, California and Minnesota, allowing recourse against holders of fully paid stock to others than laborers and employees.

Rhode Island now permits corporations to amend their charters so as to give the company a lien on its stock for assessments or other indebtedness of a stockholder to the corporation or to give the company a preference in the matter of purchasing its stock from a stockholder desiring to sell. If, however, these powers are added by amendment it is very properly provided that all the stockholders must assent ('06 ch.1326).

**Dissolution and receivers.** Virginia has adopted an act allowing corporations to dissolve without resort to judicial proceedings upon vote of two thirds in interest of the stock and filing the proper certificate with the State Corporation Commission. At any time within three years from the dissolution or within a like time from the expiration of a charter the corporation may be revived by a two thirds vote of the stock ('06 ch.327).

New York has adopted an important act aimed at abuses incident to receiverships both on the part of receivers and their attorneys. The compensation of both has been placed under the direct supervision of the court. The receiver's commissions, except in proceedings for voluntary dissolution, have been cut from 5% on the first \$100,000 received and disbursed and 2½% thereafter to an amount not exceeding 2½% straight commissions on the amount handled, in the discretion of the judge appointing him. The maximum fee of \$12,000 a year is retained, as is the provision permitting the court to grant, on the final accounting, an extra allowance of 2½% on the gross sum handled in cases where the services rendered warrant it. The compensation of attorneys of receivers must be fixed by contract approved by the Supreme Court ('06 ch.349).

New York has simplified voluntary dissolution by judicial proceedings by materially reducing the time required to complete the same ('06 ch.293). Anything which encourages those interested in an unsuccessful corporation to resort to regular proceedings for dissolution rather than mere abandonment of the enterprise is a step in the right direction.

**Combinations and monopolies.** Arkansas revised its antitrust act of 1899 to include combinations in restraint of trade formed outside the state. A provision was added whereby purchasers of commodities from offending corporations are not only not liable for the purchase price but may recover any money or value which they have paid therefor. A rather curious provision was inserted

to aid the prosecution of offenders. The Attorney General or prosecuting attorney may obtain from the court an order for the examination in Arkansas of any nonresident officer, director, employee or agent together with the books and records in his custody before a commissioner. The latter may serve notice upon the attorney of record for the defendant or upon any officer, agent or employee requiring the production of the witness and record within six days plus the necessary time required for travel. Upon failure to produce the witness at the time and place fixed in this notice, judgment shall be rendered against the corporation by default ('05 ch.1). \$5000 was appropriated to employ counsel to assist the Attorney General to enforce the act ('05 ch.88).

In Iowa, Governor Cummin's recommendation relative to the prohibition against lowering the price of oil in any locality sufficiently to destroy competition bore fruit in chapter 169 of the laws of 1906, prohibiting such unfair competition under penalty of a fine of not less than \$500 nor more than \$5000 or imprisonment for not less than one year or both.

Ohio has granted immunity from prosecution to witnesses in prosecutions for violations of the law against conspiracy and combinations in restraint of trade ('06 p.313).

Congress has confined the immunity clause in the prosecution of monopolies to natural persons, thus remedying a flagrant abuse of a very necessary privilege (U. S. '05-'06 ch.389).

During 1906 one antitrust statute was declared unconstitutional. The Supreme Court of Montana held that Penal Code § 321, prohibiting combinations to fix prices, violated that provision of the federal Constitution guaranteeing to all persons the equal protection of the law, since it excepted from its provisions persons engaged in horticulture or agriculture (*State v. Cudahy Packing Co. et al.*, 82 P. 833).



## ROADS<sup>1</sup>

M. O. ELDRIDGE, CHIEF OF RECORDS, OFFICE OF PUBLIC ROADS,  
UNITED STATES DEPARTMENT OF AGRICULTURE

The Legislatures of only about one fourth of the states were in session during 1906, but notwithstanding this fact some very important road laws were enacted.

Arrangements were completed for the issue of \$50,000,000 in bonds in New York and an appropriation of \$5,000,000 was made from the proceeds to build state aid roads. Rhode Island followed the example of New York by providing for the issue of \$600,000 in bonds, the proceeds of which are also to be applied to the permanent improvement of state roads.

A state highway commission was created in Virginia and a new form of state aid adopted whereby the state is to furnish convict labor free to any county which will agree to supply necessary materials and teams and have the roads built under the direction of the State Highway Commission. In view of the facts that this form of aid involves but little outlay on the part of the state and that it is of substantial assistance to the counties it may be adopted in many other states where the revenues are small and where the convict labor and road problems are alike perplexing.

It is gratifying to note that while the legislators throughout the country are making extensive preparations for the permanent improvement of the public roads, some of them have not forgotten the earth road. In Iowa and Virginia, the value of the split log drag has been emphasized by the passage of appropriate laws authorizing its use in the maintenance of earth roads.

The regulation of motor vehicles on country roads and city streets continues to claim a considerable share of the attention of the law-makers. The Legislature of New Jersey was the first to recognize the fact that automobile tires, bound with chains to prevent slipping, are injurious to macadam and gravel roads. Suitable legislation to prevent the use of such tires was enacted.

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2700.

During 1906 the Legislatures of 12 states adopted 81 bills relating to road improvement and automobile regulations. A brief synopsis of 39 of the most important of these measures is presented herewith.

**Georgia.** The speed of automobiles is limited to 10 miles an hour in Catoosa ('06 p. 395), Gwinnett ('06 p. 426) and Walker ('06 p. 460) counties. These acts also require that automobiles be registered in these counties and that their numbers be properly displayed. Fines and penalties are attached for violations.

**Iowa.** An act ('06 ch. 62) authorizes the use of the split log drag in maintaining earth roads. Dragging must be done under the direction of the road superintendents, who may allow not to exceed 50 cents a mile for each dragging or \$5 a mile for dragging the road for one year.

Another act ('06 ch. 63) provides that all persons who use wagons on public roads with tires not less than 3 inches in width for hauling loads exceeding 800 pounds in weight shall receive a rebate of one fourth of their highway tax, provided such rebate shall not exceed \$5 a year.

**Kentucky.** Any county in this state owning turnpike roads is authorized ('06 ch. 106) to collect tolls on such roads, provided the same is agreed to by a majority of the legal voters of the county. The fiscal courts are required to appropriate to each road on which tolls are collected all the money so collected for the purpose of keeping the road in repair.

Where the capital stock of turnpike roads is owned by the commonwealth of Kentucky and any county or counties, the share owned by the state may be transferred ('06 ch. 45) to the county, provided the county agrees to maintain the road and to collect no tolls thereon.

If agreed to by a two thirds vote of the people, a special tax of not to exceed 25 cents on each \$100 worth of assessed property may be levied for the construction and repair of roads ('06 ch. 74). In working out the tax the road overseer may allow \$1 for each day's work and \$2.50 a day for each two horse team and wagon.

**Maryland.** The law regulating the use of automobiles was re-enacted ('06 ch. 449) with certain changes and amendments, the most important of which are as follows: The registration fee is increased from \$1 to \$3, one third of which is retained by the Secretary of State as his fee and the balance turned over to the state road fund. When automobiles are sold or rented they may be

operated for five days under the old number, after which time they must be reregistered. All chauffeurs operating automobiles on the roads or streets are required to register with the Secretary of State. Persons so registering are required to pay \$2, one half of which is retained by the secretary for his fee and the other half turned over to the state road fund. Every person so registering is supplied with a chauffeur's badge, which is nontransferable. Fines and penalties are attached for violations.

**Massachusetts.** The Massachusetts State Automobile Association was authorized ('06 ch. 234) under the direction of the Massachusetts Highway Commission to erect signboards on the public highways for the safety and convenience of those using the same.

The act regulating the use of automobiles is amended ('06 ch. 412) limiting the speed of motor vehicles to 20 miles an hour outside the limits of cities and towns; to 12 miles an hour inside the thickly settled or business parts of cities and towns; and to 8 miles an hour around curves on highways or at street crossings. Other minor changes were also made in the original act, such as fixing a penalty for those who refuse to give their names to police officials and the revoking of licenses to those who have repeatedly violated the speed regulations.

Another law ('06 ch. 353) authorizes the Massachusetts Highway Commission to prepare rules and regulations governing the use of automobiles and fixes fines and penalties for violation of the same.

**Mississippi.** Boards of county supervisors in counties having a population of 30,000 are authorized ('06 ch. 109) to issue bonds for the purpose of permanently improving roads from cities of at least 14,000 population to public parks. Such bonds may extend over a period of not to exceed 25 years, and bear interest at the rate of not to exceed 6%. The interest and so much of the principal as may become due each year is paid out of a special tax levied for the purpose.

**New Jersey.** The salary of the State Commissioner of Public Roads is increased ('06 ch. 70) from \$1500 to \$5000 a year; the allowance for his expenses is also increased from \$1500 to \$4000 a year, and the salary of the State Supervisor, who shall be a competent civil engineer, is fixed at \$2500 a year.

Roads constructed by the boards of chosen freeholders of the counties with or without state aid may be maintained ('06 ch. 322) by the township, town or borough in which they are located under the direction of the State Commissioner of Public Roads.

The purchase or condemnation of toll roads which have been permanently improved with stone or gravel may be paid for, one third by the state and two thirds by the county. Ten per cent of the two thirds may be paid by the township or municipality in which the road is located. The county may borrow money temporarily to pay its share for such roads.

Roads partially in one county and partially in another may be improved ('06 ch. 38) jointly, each county paying its proportionate share of the cost. Lands for widening may be secured by gift, condemnation or purchase, and bonds may be issued for a period of 50 years, bearing interest at 4% to pay for improvements. The levy of a tax to pay interest and principal is provided for.

A general law regulating the use of automobiles (ch. 113) was approved April 12, 1906. It provides that automobiles shall be supplied with brakes and suitable signals; and that motor vehicle tires shall not be fitted with chains when used upon gravel, macadam or other improved roads or pavements, except when the same are covered with snow or ice. Drivers of motor vehicles must be licensed and vehicles registered annually, the fee being \$1 for license and \$3 for registration. The speed of automobiles is limited to 1 mile in 7 minutes on sharp curves on streets and highways; 1 mile in 4 minutes at the junction of prominent crossroads in the open country; 1 mile in 5 minutes in built up parts of cities or villages; and on country roads, 1 mile in 3 minutes. Penalties and fines are provided for violations of the various provisions.

**New York.** The issue of the \$50,000,000 in bonds, provided for in section 12, article 7 of the Constitution, was legalized May 16, 1906 (ch. 469). Funds realized from the sale of these bonds are to be expended under the Higbie-Armstrong state aid law in the permanent improvement of public highways, the state paying one half of the cost, the counties 35% and the townships 15%. The bonds are to be issued in two classes, *A* and *B*. Class *A* bonds are to run for a period of 50 years and bear interest at 3½% and are redeemable from a fund maintained by the state. An annual tax of .0055 of a mill upon each \$1 of property for every million dollars worth of bonds outstanding is provided to pay interest and to create a sinking fund with which to redeem class *A* bonds.

Class *B* bonds also bear interest at the rate of 3½% and are to be paid for in 50 equal annual instalments by the counties and townships wherein the proceeds have been applied to the improvement of highways. Such counties and towns as do not desire to avail themselves of funds derived from the sale of these bonds may pay

their share of the cost of state aid roads in cash. Interest and principal on class *B* bonds are paid by a tax which is levied on a basis of 70% upon the county and 30% upon the town. \$5,000,000 was appropriated out of moneys realized from the sale of these bonds for the purpose of improving the highways according to the state aid laws.

An act to authorize towns to raise money for highway purposes and to prevent snow blockades on highways by the substitution of wire for other fences was reenacted with amendments ('06 ch. 311). Not to exceed \$100 a year may be levied and expended by the commissioners of highways for the purpose of purchasing fence wire. This wire may be donated to property owners who will agree to use it on the highways in replacing fences which now cause snow-drifts.

Section 37 of chapter 568 of the laws of 1890 is amended ('06 ch. 149) so as to provide that persons who live on and improve private roads shall be given credit for such work, or that such roads may be annexed to the highway district, and if in a money system town, the person so working a private road may be paid for work performed thereon.

The town law relating to highway commissioners is amended ('06 ch. 384) so as to provide that towns which have adopted the money system and have more than one highway commissioner may reduce the number of commissioners to one, if agreed to by a majority of the voters at a special meeting.

The highway law is amended ('06 ch. 363) providing that supervisors and the highway commissioner or commissioners of towns receiving state aid shall annually report to the State Engineer on forms provided for the purpose, all expenditures for road and bridge purposes, sources of revenue, machinery and tools on hand. The highway commissioners and supervisors are required to use such forms for keeping accounts of moneys collected and expended as may be prescribed by the State Engineer.

The highway law is amended ('06 ch. 423) to provide that if \$1000 is not sufficient to pay necessary road expenses and for purchase of tools etc., such additional taxes as are necessary may be authorized by ballot at any town meeting. If the amount is over \$500 and less than \$1000 and is approved by the town board, the board of supervisors shall cause the amount to be levied and collected as other town taxes.

**Ohio.** The county commissioners are authorized ('06 p. 32) to issue bonds for the purpose of reimbursing boards of road commissioners appointed by the county commissioners for indebtedness in connection with road improvements carried on by virtue of any legislative act. Such bonds may be issued for such amounts and such length of time and for such rate of interest as the county commissioners may determine. The commissioners are authorized to levy an annual tax on all property within the precinct or road district out of which to pay interest and principal.

The Revised Statutes of Ohio in relation to the National road are amended ('06 p. 156) so as to provide that the county commissioners in any county through which the National road (Old Cumberland road) passes, are authorized to require township trustees to maintain such portions of the road as pass through their township.

The act authorizing township trustees or county commissioners to organize special road districts is amended ('06 p. 292) so as to authorize road commissioners to purchase road rollers and such other road machinery and appliances as may be necessary.

An act passed April 2, 1906 (p. 320) provides that automobiles shall be registered and fitted with brakes, signals etc. The speed of automobiles is limited to 1 mile in 3 minutes on country roads; 1 mile in 4 minutes in cities and villages, except in the closely built sections where the speed shall not be greater than 1 mile in 6 minutes and at curves, corners, and on steep grades on highways and streets, the speed shall not be greater than 1 mile in 15 minutes. Chauffeurs are also required to register and display a chauffeur's badge, which is nontransferable. Fines and penalties for violations are provided for.

**Rhode Island.** An act passed February 20, 1906 (ch. 1312) provides for the issue of script or certificates of indebtedness in the name of the state to the amount of \$600,000. They are to mature in at least 30 years and bear interest at the rate of not to exceed 3%. \$200,000 worth of these bonds are to be issued and sold before January 1, 1907, and the balance on or before January 1, 1908, in such instalments as the State Treasurer may determine. The amount necessary to pay the annual interest and provide for a sinking fund to pay off the bonds is to be included in the annual appropriation bill for state expenses. The funds derived from the sale of these bonds are to be expended under the direction of the State Board of Public Roads in the construction of a system of state roads, the state paying the whole cost, as provided by law.

**Virginia.** Provision is made ('06 ch. 73) for the establishment of a state highway commission, consisting of a state highway commissioner appointed by the Governor, who shall be a civil engineer and a citizen of the state, and the professors of civil engineering of the University of Virginia, the Virginia Military Institute and the Virginia Agricultural Mechanical College. The highway commissioner is to receive a salary of \$3000 a year and traveling expenses, and an assistant to the commissioner is to receive \$1800 and traveling expenses. Clerks and other assistants are also provided for. \$16,000 is appropriated for the use of the commission from July 1, 1906 to February 28, 1908. The commission is to collect and disseminate useful information on road building, to prepare plans and specifications for the improvement of roads throughout the state, when requested by local authorities to do so, and to direct the construction of such roads.

The commission is further authorized to furnish as many convicts from the State Prison as may be necessary to build the roads according to the specifications of the commissioner and under the direction of an engineer appointed by him, provided the local authorities agree to furnish all necessary material, tools and teams. The State Highway Commissioner is authorized to have general supervision of the construction and repair of the main traveled roads throughout the state and to recommend to local authorities and to the Governor needed improvements in the public roads. The professors of civil engineering at the universities and colleges here mentioned are required to aid the commissioner when not actually engaged in their academic work by inspecting road work and giving such information as may be desired.

An act approved March 6, 1906 (ch. 74) provides for the use of state convicts in the improvement of public roads and in the preparation of road-building material throughout the state. Such convicts when engaged in road work in any county are placed under the direction of a civil engineer and road builder appointed for the purpose by the State Highway Commissioner. \$25,000 is appropriated annually out of which is to be paid the transportation of the convicts to and from the penitentiary and for guarding, clothing and feeding them when engaged in road work.

The law relating to the establishment, construction and permanent improvement of public roads is amended ('06 ch. 318) providing among other things that the county superintendents of roads, road district boards, and road subdistrict supervisors and the State Engineer shall have control, supervision and management of the public

roads. The bill also provides that the regular county levy and district levy may be used in defraying the county's and district's proportion of the expense of constructing roads for which state aid has been obtained. Rules and plans for making roads in the counties are subject to the approval of the State Highway Commissioner.

The boards of supervisors of the various counties are authorized ('06 ch. 212) to enact such local legislation as may be necessary for the protection of roads and bridges providing the same is not in conflict with the Constitution or the general laws of the state.

Bonds may be issued ('06 ch. 107) by any county for the purpose of permanently improving roads and bridges in any county provided the same is agreed to by the qualified voters of the county. The maximum amount of such bond issue shall not exceed 10% of the total taxable values and the bonds shall be payable in not to exceed 34 years. A tax of not to exceed 90 cents on each \$100 worth of property must be levied to create a sinking fund and to pay the interest thereon. All roads built from such bond issues must be constructed according to the directions of the State Highway Commissioner.

Counties in which no special road law is in force may be divided by the board of supervisors into road subdistricts. The qualified voters of such subdistricts are authorized to meet and elect a chairman, secretary, treasurer and one or more road surveyors and to assess a subdistrict road tax of not to exceed 50 cents on each \$100 of taxable valuation. These funds are to be expended under the direction of the road surveyor of the subdistrict and according to such instructions as he may receive from the State Highway Commissioners, the county supervisors or the subdistrict meetings. The surveyor is also required to furnish such information to these authorities as may be requested from time to time. The State Highway Commissioner is required to furnish plans of split log and other drags to supervisors of subdistricts and to instruct them in their proper use.

An act relating to turnpike companies is so amended ('06 ch. 297) as to provide that when the collection of tolls on turnpikes has been suspended for a period of four months on account of the bad condition of the same, as authorized by law, three disinterested supervisors shall be appointed by the Circuit Court to make an examination of the road, and if the road is still reported to be in bad condition the Circuit Court is authorized to require the turnpike company to forfeit its franchise and charter.



Only one tollgate may be erected on any one stretch of toll road in which the state of Virginia has an interest ('06 ch. 322), and such tollgates shall be at least  $\frac{1}{2}$  mile from any city.

Chapter 43 of the Code of Virginia is so amended ('06 ch. 326) as to provide that taxes levied for road purposes by the boards of county supervisors shall not be levied on property located in incorporated cities and towns which maintain their own streets.

Automobiles must be registered ('06 ch. 299) with the Secretary of State and provided with suitable lights, brakes and signals. The speed of automobiles is limited to 15 miles an hour on country roads and 8 miles an hour in cities and towns and on sharp curves on country roads. Fines and penalties for violating the various provisions of the act are provided for.



*New York State Education Department*

**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 331

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Libraries Asa Wynkoop

Printing and Records Adelaide R. Hasse

Bibliographic Notes T. L. Cole

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**LIBRARIES<sup>1</sup>**

ASA WYNKOOP, NEW YORK STATE LIBRARY.

The legislation of 1906 relating to libraries is small in amount but is not lacking in significant items. Its most general characteristic perhaps is the tendency shown in different states to accept principles which have been tried and proved advantageous in other states, a direct effect of the study of comparative legislation which has of late been especially emphasized. Of distinct innovations there are none, unless the provisions in the Ohio law for the establishment of county library systems be claimed as such. As in other years, the matter receiving the most general attention is the state library. While most of the items relating to it are of a routine character, there is evidence even in these that it is receiving each year a better recognition as a part of the state's economy, and in two cases its powers, resources and efficiency are distinctly enlarged. The principle of contract, enabling communities to hire for a specific consideration library privileges from a library not owned by the community, a principle introduced into the laws of New York and Wisconsin in 1897 and which has since been widely adopted, receives further recognition this year in the laws of Ohio and Iowa. The subject of taxation for public libraries receives attention in two states, in one of which the legal rate of such taxation is advanced, and in the other, provision is made for issuing bonds for the erection of library buildings. In one state exemption from the operation of the collateral inheritance tax is granted. The state making the most decided advance during the year is Virginia, which doubles the annual appropriation for State Library purposes, confers many of the powers of a library commission on the State Library board and appropriates \$7500 for the establishment of a system of traveling libraries.

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2352.

The following is a summary by topics of the more important acts of the year:

**Library commissions.** No new commissions are created, but provision is made for enlarged work in Massachusetts and Ohio. In Massachusetts the principle so long maintained, that state aid should be confined chiefly to moral stimulus and guidance, seems to have been greatly modified if not abandoned, and the commission is granted \$2000 annually for the material aid of public libraries. Such aid is to be given chiefly to libraries in towns not exceeding \$600,000 in valuation, and is to include gifts of books, personal visits, instruction in library matters and such other help as the commission may deem advisable. Ohio authorizes the commission to appoint a library organizer, whose duty shall be to furnish advice and information to persons interested in library work, to visit the public libraries of the state, to assist in promoting and organizing new libraries and to make an annual report to the commission of the library conditions of the state.

**Founding and support.** In Ohio, library boards are authorized to issue and sell bonds to provide for and furnish library buildings, subject to vote of the community. The total issue of such bonds must not exceed  $3\frac{1}{2}$  mills on the dollar of assessed valuation of the district. A tax not to exceed .25 mill may be levied to provide a sinking fund for these bonds. Where a library owned by a private association offers its privileges free to the public, the township authorities are authorized to levy a tax of  $\frac{1}{2}$  mill to compensate the association for this privilege. In case such library shall at any time cease to operate, all books and other property bought with the proceeds of this tax shall revert to the public. The law of 1902 is also amended enabling boards of education to provide free libraries for townships, as well as for cities, villages and school districts; extending the provisions of that act to libraries jointly owned by two or more districts; and providing that a tax of 1 mill may be levied on each district for such libraries. In Iowa, cities or towns of 6000 population or less are authorized to levy a library tax of 3 mills on the dollar, instead of 2 mills as formerly. An additional tax of 3 mills may also be levied in such communities to provide a library site and building. Libraries which are open to the free use of the public not less than three days a week are exempted from the collateral inheritance tax.

**Traveling libraries.** New Jersey provides for traveling libraries to be used exclusively in the penal and correctional institutions of the state and appropriates \$1000 for the carrying of the act

into effect. Ohio, which holds first place in the number of centers reached by traveling libraries, increases the annual appropriation for this work from \$8000 to \$9200. Virginia, in response to a strong recommendation in the Governor's message, makes provision for a comprehensive system of traveling libraries under the direction of the State Library Board. These libraries are to be loaned to any public school in the state under such rules as may be prescribed by the State Library Board. Books to be used for school libraries must be approved jointly by the State Board of Education and the State Library Board. \$7500 is appropriated for inaugurating the system, of which not more than \$5000 may be used the first year.

**Library instruction.** Three states make better provision for library instruction. New York makes its first direct appropriation to the State Library School, amounting to \$7900 plus any part of \$3000 received from its tuition fees. Ohio appoints a special state officer to be known as Library Organizer, whose duty it is to visit the libraries of the state and to give advice and instruction to any persons interested in library matters. Massachusetts makes an appropriation for the purpose of enabling the commission, among other things, to provide for "visits to libraries" and "the instruction of librarians."

**State library.** New York passes an act providing for the acquisition of a site and for the erection of a State Education Building to house the Education Department including the State Library and the State Museum. An initial appropriation is made of \$400,000 for procuring a site and architectural plans. For the combined expenses of the State Library, Library School and Educational Extension Division an increase is made in the appropriation from \$132,720 to \$150,200. Ohio increases the annual appropriation to the State Library from \$23,060 to \$24,140. Maryland provides for the appointment by the Governor and Senate of a custodian of works of reference at a salary of \$720 a year. The Governor in his message urged the importance of establishing a Department of Legislative Reference but no action was taken beyond that just noted. Mississippi creates the office of Assistant State Librarian with a salary of \$600 a year. Virginia, in response to a recommendation in the Governor's message that larger compensation be given to the librarian and his chief assistant and that legislative sanction be given to the plans of the librarian for rehabilitating the history of the state, increases the annual appropriation for State Library purposes from \$7010 to \$14,690.

**School libraries.** The only general act on this subject is that of Louisiana, which provides that when \$10 shall be raised by patrons and friends for establishing a library in any public school or grade, an equal sum shall be appropriated for the same purpose by the parish school board; or when \$5 shall similarly be raised for the enlargement of any such library, the school board shall appropriate not less than \$5 nor more than \$15 for the same purpose. No more than one appropriation a year is to be made to any school or grade library. Books are to be selected from lists approved by the State Superintendent of Education. The felonious destruction or removal of such books is defined as larceny. As noted under another heading, Virginia provides for the supplying of books to any public school in the state through the system of traveling libraries.

**Law libraries.** Ohio provides that county commissioners shall provide rooms and bookcases, together with light and heat, for the libraries of county law library associations, at the expense of the county. Iowa increases the annual appropriation to the law department of the State Library from \$2500 to \$4000. Numerous local acts are passed in New York, relating chiefly to appropriations to judicial district or Supreme Court libraries. No clear tendency is shown in these acts, as they reflect local need or influence rather than any general principle.

**Public documents.** Massachusetts appoints a committee consisting of the Secretary of State, Commissioner of Public Records and the State Librarian to investigate the distribution and use of state documents and to report to the next Legislature. Ohio provides that public documents 10 years after date of current use shall be put into the care of the State Library and the State Historical Department; they are to be classified, labeled and calendared; rooms in the new Historical, Memorial and Art building are to be set apart and equipped as a Hall of Public Archives. An appropriation of \$2000 a year for three years is made for carrying the act into effect.

**Miscellaneous.** A special act in South Carolina is of general interest as indicating a possible solution of the race problem in library legislation in the South. This act provides that in the town of Union, where a Carnegie library has been established for the white race, a library may also be established and maintained for the colored people, in case the latter will furnish the means for the building and its equipment. When so built and equipped, "a just and suitable amount" shall be appropriated by the aldermen of

Union for its support. Ohio authorizes county commissioners to receive gifts and bequests for the maintenance of county public libraries; to contract with any library organization for the free use of their library to the people of the county; and to levy a tax not exceeding  $\frac{1}{2}$  mill for the maintenance of county libraries or to meet terms of the contract. Iowa enacts that county supervisors, township trustees and city or town councils may contract with the trustees of a library situated outside their civic divisions for the free use of such library by the district they represent; a tax of 1 mill may be levied for meeting the conditions of such contract. This state also provides that public library trustees shall have entire control of all moneys available by gift or otherwise for the erection of library buildings. New Jersey authorizes free public libraries to accept gifts and bequests of art objects and to meet such conditions regarding the care of such objects as may be stipulated in the gift or bequest.

## PUBLIC PRINTING AND RECORDS<sup>1</sup>

ADELAIDE R. HASSE, NEW YORK PUBLIC LIBRARY

**Public documents. Printing.** The following states held sessions in 1906: Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina and Virginia. Of these Iowa, Kentucky, New York, Ohio, Virginia, Kansas and Massachusetts passed laws affecting the printing and distribution of public documents. In the following review the acts of Arkansas of 1905 are included as well as a constitutional amendment made by the state of Oregon.

Arkansas passed one law in 1905 which concerned public printing ('05 ch.270). By this she amended section 6421 of Kirby's Digest and provided that all printing let under this section be done in the state of Arkansas. It is further provided that, should there be cause for belief that an agreement or combination exists among the bidders or printers of the state on any contract all bids may then be thrown out. The competition thereupon becomes free and open without regard to location. Iowa makes six amendments to the code ('06 ch.3). Section 1 of the act converts the official register from an annual to a biennial publication, to be issued in an edition of 40,000 copies in the odd numbered years. Section 2 is immaterial. Section 3 provides a new scale for the number of copies of each kind of document to be printed. This is most clearly stated in tabular form, and is as follows:

TITLE	FORMER NO.	NO. UNDER '06 CH.3	REDUCTION
Governors biennial messages.....	3 000	2 500	500
Governors inauguration .....	2 500	2 000	500
Auditor's biennial .....	3 000	2 500	500
Treasurer's " .....	2 000	2 000	
Superintendent of Public Instruction..	4 500	4 000	500
Agricultural College .....	3 000	2 000	1 000
Board of Public Health.....	3 000	2 500	500
Bureau of Labor Statistics.....	4 000	3 500	500
Auditing on insurance.....	6 000	4 000	2 000
Commissioners of pharmacy.....	3 000	2 500	500
<sup>2</sup> Railroad commissioners.....	4 000	3 000	1 000
<sup>3</sup> Board of Control.....	4 000	3 000	1 000
Assessment of railroad property.....	2 000	2 000	
Secretary of State on lands.....	2 000	1 500	500
"      "      oil inspection .....	2 000	1 500	500
Board of Dental Examiners.. .....	2 000	1 500	500
Pioneer Lawmakers Association.....	1 200	1 200	
Reports not specified.....	2 000	1 500	500
	53 200	42 700	10 500

<sup>1</sup> See also Governors Messages and Index of Legislation, 67 and 2363.

<sup>2</sup> 2000 of the 3000 copies to be bound in cloth.



The executive council is given power to reduce the number of copies printed of any one document, whenever the books of the document accountant in the office of the Secretary of State show that a less number will supply all necessary needs for such publication. Section 4 of the act provides for an edition of 1000 copies of the collected documents bound in half sheep. In assigning the distribution of this edition the Secretary of State is made custodian of remaining copies of which he may dispose at his discretion. The state assumes the transportation charges on all matter distributed under this section. This retrenchment in state printing carries out Governor Cummins's recommendation in his message of January 8, 1906, for a statutory amendment reducing the number of copies of documents printed.

By virtue of act of March 16, 1906 (ch.42) and resolution of March 22, 1906 (p.545), Kentucky makes two important provisions relative to public printing. Under the act of March 16, the office of Superintendent of Public Printing is created. This officer is to be appointed by the Board of Printing Commissioners for a term of four years, at a salary of \$1500 a year. The duties of the office are the superintendence of all printing done by the public printing contractor of the state under specifications furnished by the Board of Printing Commissioners. Under the resolution it is provided that a joint commission be appointed by the Speaker of the House and the President of the Senate to revise the laws governing the public printing contract. The commission is directed to report to the Governor in time to enable him to transmit the report to the next session of the General Assembly. In his message of January 2, 1906, Governor Beckham comments on the saving to the state by reason of the change from the old system of electing the public printer to the present system of letting contracts to the lowest bidders. He refers in addition to defects still existing in the printing law and to the expediency of remedial legislation.

The bulk of New York's legislation of 1906 relative to public printing is all amendatory of the state printing law of 1901. Three amendatory acts and one act providing additional clauses to the act of 1901 were passed. The first act, of April 27, 1906 (ch.330) amends section 2 of the law of 1901 and provides that separate contracts, involving an expense of more than \$500, may be made at any time for printing of any description not specifically mentioned in contract made under the amended act. The second act, of May 9, 1906 (ch.359) amends section 10 of the printing law of 1901 relating to bids for department printing, the amendment requiring

a certified check of \$10,000 to be presented with each bid. Forms for bids accompany the act. The third New York printing act of 1906, passed May 11 ('06 ch.417) adds sections 16 and 17 to the printing law of 1901. These new sections further define the powers and duties of the State Printing Board and limit the office expenses of the board to \$10,000 a year. The act of May 16, 1906 (ch.476) amends sections 6, 7 and 8 of the printing law of 1901. This act affects the printing and delivery of the stitched but unbound copies of the legislative journals, bills, messages and reports. The journals are required to be printed in an edition of 759 copies within 48 hours after receipt of copy. They are to be delivered as follows:

STYLE	TO WHOM	NO. COPIES
Stitched.....	Superintendent of Documents of Senate.....	180
" .....	" " Assembly.....	290
" .....	State officers .....	40
" .....	State Library .....	2
Bound .....	Clerks of Senate and Assembly.....	remainder

The bills are to be printed in an edition of 1000 copies of each bill within 24 hours after receipt of copy. They are to be delivered as follows:

STYLE	TO WHOM	NO. COPIES
Unbound.....	Superintendent of Documents of Senate.....	270
" .....	" " Assembly.....	670
" .....	State Library .....	2
" .....	State officers .....	40
Bound .....	Clerks of Senate and Assembly.....	remainder

Of these bills the contractor is also required to print an additional 300 copies of any or all general Senate and Assembly bills respectively, and 500 copies of substitutes for engrossed bills as may be ordered by the clerks of the Senate and Assembly.

Of the Governor's message, reports of standing or select committees and other communications which may be ordered by either house, the contractor is required to print 759 copies of each. These are to be delivered as follows:

STYLE	TO WHOM	NO. COPIES
Stitched.....	Superintendent of Documents of Senate.....	180
" .....	" " Assembly.....	290
" .....	State Library .....	2
" .....	State officers .....	40
Bound .....	Clerks of Senate and Assembly.....	remainder

Ohio, by act of April 2 ('06 p.198) amends section 321 and section 323 of her Revised Statutes. Section 321, while providing that the printing contracts be awarded to the lowest bidder, allows

the Commissioners of Printing discretion in awarding the contract by providing that it shall go to that lowest bidder having proper facilities to insure prompt execution of the contract. It also provides that all printing done under the section be done within the state, and that certain printing must be done in Columbus or within 50 miles thereof.

By constitutional amendment of section 1, article 12, Constitution of 1857, adopted on initiative petition June 4, 1906, Oregon provides for legislative regulation of her public printing and binding.

On March 14, 1906, Virginia passed an act (ch.216) amending and consolidating chapter 19 of the Revised Code and subsequent acts relating to public printing. The actual changes in provisions effected seem not to be emphatically vital. While the number of copies to be printed and the distribution of the journals does not seem to have been altered, it may be of use to persons interested in public printing to know that the distribution of the majority of the reports is provided for in this act.

The Senate concurrent resolution 20 passed by the Kansas Legislature in 1903, but which failed to be published in the statute book of that year, is now printed as chapter 545 of the 1905 laws. It is a proposition to amend the Constitution of 1859 altering the mode of selecting the public printer from the former one of legislative appointment to the present one of popular election. The first election under this provision took place in November 1906.

*Distribution.* By virtue of chapter 80 of the laws of 1905 the Secretary of State of Arkansas is directed to send to the University of Arkansas a copy of all printed state documents providing the State Library is first supplied, and to send to the university copies of all state documents to issue from the press in the future. Section 3 of this act further directs the Secretary of State to send to the same university all surplus federal documents from the State Library. This provision is in direct conflict with the recent ruling of the Superintendent of Documents which denies to depository libraries the right of removal of federal documents.

Massachusetts follows up her statutory provisions for the distribution of her state documents by authorizing an investigation "of the distribution, use and preservation of state publications" ('06 r.57). The Secretary of the Commonwealth, the Commissioner of Public Records and the State Librarian are the persons authorized to make this inquiry, the result of which, with suggestions for such legislation as to them may seem expedient, they are to report to the next General Court.

Provision for the distribution of bound volumes of journals, bills and documents is made by New York ('06 ch.475), amending sections 12, 14 and 47 of the legislative law of 1892. Sections 12 and 14 are not germane to the subject of this article. Section 47 provides for distribution as stated, the result being as follows:

DOCUMENTS	TO WHOM	NO. COPIES
Journals, bills and documents..	Senate Library.....	2
" documents.....	Assembly " .....	5
Bills.....	" " .....	3
Journals, documents.....	{ Counties, public officers, incorporated } { colleges and universities in states }	132
Journals, documents.....	Literary exchanges by Regents.....	135
Journals, bills, documents .....	State Library .....	2
Bills.....	Executive chamber .....	1
" .....	Secretary of State.....	1

**History. Records. Memorials.** Chapter 215, acts of Arkansas, 1905, "Act to authorize the appointment of a history commission . . ." was vetoed by the Governor, was passed over his veto by the constitutional majority of both houses and was filed in the office of the Secretary of State on April 27, 1905. The provisions of the act empower the president of the Arkansas Historical Association, headquarters at Fayetteville, to appoint five persons from the active membership of the association, who are to constitute the Arkansas Historical Commission. It is made the duty of the commission to print a report, the nature of which is defined in the act, and the first number of which is to be submitted to the Governor in season for transmittal to the next session of the Legislature. Not less than 500 nor more than 1000 copies of this report are to be printed, the management of the sale and distribution of which are left to the commission. The commission is further directed to investigate the "present state of preservation of all extant sources of information concerning the history of Arkansas." An appropriation of \$1000 is made to aid in printing the above mentioned report and of \$250 for expenses incurred in the aforesaid investigation. The commissioners serve without compensation.

**Anniversary celebrations.** Chapter 325 of the laws of New York, 1906, creates the corporation of the "Hudson-Fulton Celebration Commission," names the members and trustees of the same and appropriates \$25,000 for the purposes of the act.

Ohio authorizes ('06 p.163) county commissioners to appropriate money for county centennial celebrations after submission of the question to popular vote. This act became a law on April 14, 1906, without the Governor's approval.

**Archives. Records. Colonial laws.** The only state passing an act on this subject during the past year was Iowa. This act ('06 ch.142) entitled "Preservation of Public Archives," was approved April 10, 1906. It provides that, subject to the judgment of the executive council, the State Library and the Historical Department of Iowa shall receive for custody all original public documents and other official papers 10 years after current use of such documents, etc. The executive council is authorized to equip apartments for this material in the Historical Memorial and Art building now in process of erection. Here the papers are to be arranged, filed and calendared, the rooms thenceforth being known as the Hall of Public Archives. The sum of \$2000 a year for three years is appropriated for carrying out the purposes of the act under the direction of the trustees of the State Library and the Historical Department.

**Historical societies.** Kentucky passed an act on March 16, 1906 (ch.28) appropriating \$5000 for the publication of *The Register*, a magazine of the society, for the purchase of objects of historical interest and for the salary of a secretary-treasurer.

**Scenic and historic places.** Only four acts were passed relating to this subject, one by New Jersey, two by New York and one by Rhode Island. New Jersey ('06 ch.100) appropriates \$12,000 for the purchase of Old Tavern House, Haddonfield, thereby supplementing chapter 128 of the laws of 1902. New York appropriates \$50,000 for the acquisition of the well known Watkins Glen property by act approved May 31, 1906 (ch.676) and \$25,000 by act of same date (ch.686) providing for the preservation of the mansion and blockhouse formerly owned by Sir William Johnson. Rhode Island appropriates \$1500 ('06 r.40) to be expended by the Secretary of State acting with the Rhode Island Historical Society for the purpose of suitably marking sites of historical interest in the state.

**Memorial. Monuments.** The liberal appropriation of \$5000 is made by New Jersey to commemorate the ill advised policy of George 3 towards the American colonies. This grant is made as an acknowledgment of the efforts of the New Jersey chapter of the Daughters of the American Revolution to secure the erection of a monument at Greenwich, Cumberland co., the object being to memorialize the burning of a cargo of tea on board the British brig Greyhound in 1774. When the \$5000 shall have been expended for this purpose, the care and supervision of the monument devolve upon the freeholders of Cumberland county.

Remaining legislation on the subject of this article will be seen by reference to the Index of Legislation to relate to battle flags, grave markers, medals, memorial buildings, memorials on battlefields and memorials to individuals. By far the largest sums appropriated for memorials on battlefields were those made by the Southern States. Mississippi heads the list with an appropriation of \$50,000, followed by Maryland with one of \$25,000. These sums are for general monuments in memory of Confederate dead. Next in amount of appropriation is New Jersey, with \$6000 for a regimental memorial. Again for memorials to individuals the Southern States lead in the generosity of the appropriations. Georgia makes two grants of \$15,000 each for statues to Generals Gordon and Oglethorpe respectively. True Massachusetts does provide for a portrait of Lincoln but makes no specific appropriation, stipulating merely that the expenditure should be within \$21,000.

# BIBLIOGRAPHIC NOTES ON SESSION LAWS, REVISIONS, AND CONSTITUTIONAL CONVENTION PUBLICATIONS

January 1 to December 31, 1906

T. L. COLE, STATUTE LAW BOOK CO., WASHINGTON, D. C.

## Session laws

Sessions were held during the year, beginning in the months stated (all in 1906), and printed in the number of volumes stated, in the table following:

STATES AND TERRITORIES	REGULAR ANNUAL	REGULAR BIENNIAL	EXTRA OR SPECIAL	NO. OF VOLUMES
California . . . . .	.....	.....	June <i>a</i> . . . . .	1
Delaware . . . . .	.....	.....	May <i>b</i> . . . . .	1
Georgia . . . . .	June . . . . .	.....	.....	1
Illinois . . . . .	.....	.....	April <i>c</i> . . . . .	1
Iowa . . . . .	.....	January ..	.....	1
Kentucky . . . . .	.....	January ..	March . . . . .	1
Louisiana . . . . .	.....	May . . . . .	.....	1
Maryland . . . . .	.....	January ..	.....	1
Massachusetts . . . . .	January ..	.....	.....	1
Mississippi . . . . .	.....	January ..	.....	1
New Jersey . . . . .	January ..	.....	.....	1
New York . . . . .	January ..	.....	.....	2
Ohio . . . . .	.....	January ..	.....	1
Pennsylvania . . . . .	.....	.....	January . . . . .	1
Porto Rico . . . . .	January ..	.....	.....	1
Rhode Island . . . . .	January ..	.....	.....	1
South Carolina . . . . .	January ..	.....	.....	1
Texas . . . . .	.....	.....	March <i>d</i> . . . . .	1
Vermont . . . . .	.....	October ..	.....	1
Virginia . . . . .	.....	January ..	.....	1
20 states . . . . .	7	8	6	19

*a* On account of San Francisco fire.

*b* To be printed with 1907 laws.

*c* To adopt a primary election law.

*d* 2d called session. Primary election law.

## Revisions, compilations, etc.

**California.** Kerr's Annotated Codes (to 1905 inclusive). v.1 (Political); v.2 (Civil); v.4 (Penal). Unofficial.

Henning's General Laws (to 1905 inclusive). iv. Unofficial.

**Florida.** General Statutes 1906 (to 1905 inclusive). iv. Official.

**Massachusetts.** Annotated Supplement to Revised Laws (1902-6 inclusive). iv. Unofficial.

**Michigan.** Index to Compiled Laws (1897) and Public Acts (1898-1905). iv. Official.

**Mississippi.** Code 1906 (to 1904 inclusive). iv. Official.  
**Missouri.** Annotated Statutes 1906 (to 1905 inclusive). 5v. Unofficial.

**New York.** Unofficial:<sup>1</sup>

General Laws and other General Statutes; annotations, index and tables of laws, by Robert C. Cumming and Frank B. Gilbert. v.4. (supp. to 1st ed.) 1902-6. 1906.

Code of Civil Procedure, as amended 1906, by G. Chase. 1906.

Annotated Code of Civil Procedure, with amendments to the close of the Legislature of 1906, by Frank B. Gilbert. 1906.

Code of Civil Procedure, by Amasa J. Parker jr; revised by Albert J. Danaher. Ed.6. 1906.

Parson's Code of Civil Procedure, by J. C. Thomson. Ed.31. 1906.

Supplement to Stover's Annotated Code (1902-5 inclusive) by A. J. Parker jr. 1906.

Code of Criminal Procedure and Penal Code as amended; ed. by L. R. Parker. 1906.

Code of Criminal Procedure and Penal Code as amended (1893-1906 inclusive). Ed.25. 1906.

Code of Criminal Procedure and Penal Code, including amendments of 1906 by C. D. Rust. Ed.20. 1906.

Code of Criminal Procedure and Penal Code as amended 1906; ed. by J. T. Cook. 1906.

**North Dakota.** Revised Code 1905. iv. Official.

**Ohio.** Bates' Statutes 1907 (to 1906 inclusive). Ed. 6. 3v. Unofficial.

**West Virginia.** Annotated Code 1906 (to 1905 inclusive). iv. Unofficial.

**Wisconsin.** Sanborn's Supplement to Statutes (1899-1905 inclusive). iv. Unofficial.

### Constitutional conventions

**Oklahoma.** A convention to adopt a constitution, on which the state of Oklahoma may be admitted, met at Guthrie November 11, 1906. What publications have been issued by or for it are not as yet known.

**Maryland.** The question of holding a constitutional convention will be submitted to the vote of the people in November 1907.

**Michigan.** The necessary legislation for the convention authorized by the vote of the people in April 1906 will probably be passed at the session of 1907.

<sup>1</sup>List supplied by the New York State Library.



*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33m

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Taxation	Frank A. Fetter
Inheritance Tax	Max West
State Finance	Frank A. Fetter

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**TAXATION<sup>1</sup>**

**FRANK A. FETTER PH.D., PROFESSOR OF ECONOMICS AND FINANCE,  
CORNELL UNIVERSITY**

Most of the tax measures in 1906 of general significance may be grouped as last year, under two main headings: (I) those relating to the general property tax, and (II) those relating to special forms of taxation. Under the general property tax come (1) study and reform of taxation; (2) objects selected for taxation; (3) the situs of personal property for taxation; and (4) modes of assessment and collection. Under special forms of taxation come (1) general business taxes and (2) various special taxes on corporations.

**General property tax**

**Study and reform of taxation.** The Governor of New Jersey suggested trying to reach the half billion dollars' worth of tangible personal property which now escapes the assessor; and he also recommended a commission to study the subject of taxation of various kinds of transportation corporations. The Governor of New York recommended that a commission be provided to inquire into the subject of taxation for state and local purposes, and accordingly a commission of 15 was authorized and appointed ('06 ch.346). The results of its study were transmitted to the Legislature January 15, 1907. The pamphlet of 189 pages contains four parts: (1) a main report signed by all the members, (2) three supplemental reports embodying differing views on the personal property tax and on possible substitutes for it in the form of a graduated habitation tax on an income tax, (3) some valuable appendixes, (4) drafts of proposed legislation. The main report, on the essentials of which all the members were agreed, is drawn in a conservative and practical spirit and it favors a graduated inheritance tax on the Wisconsin model instead of the present one, it somewhat simplifies the corpora-

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<sup>1</sup> See also Governors Messages and Index of Legislation, 800.

tion taxes, and it changes somewhat the mode of applying the stock transfer tax. It favors also the extension of the plan of assigning to the localities a definite share of certain kinds of taxes, and suggests the apportionment each year to the local divisions of the variable surplus in the state treasury in excess of \$10,000,000. The Tax Commission of California, appointed a year ago, made a very complete report, especially advocating the separation of state and local sources of taxation. This plan was also held up as an ideal by the Governor of Louisiana, who said that "the object aimed at would be the eventual separation of state and parish taxation, giving to each of these political divisions its own subjects of taxation, and its own assessment machinery." The wisdom of the latter part of the suggestion is somewhat doubtful. The Governor of Ohio urged a further step in the reduction of the levy for state purposes in order to attain more fully the object of separation.

**Taxable objects. Exemptions.** The exemptions of the year may be classed under the five headings used in previous years: (1) Exemption of public property is not touched upon. (2) Exemption of special persons or businesses: Massachusetts ('06 ch.315) exempted to the amount of \$1000 veterans of the Civil War and their widows, provided that the whole estate of the person does not exceed \$5000. On the contrary, the law of South Carolina ('04 ch.252) exempting Confederate veterans from the business tax, was declared unconstitutional as denying the equal protection of the laws. (3) Exemption of fraternal, educational and religious institutions: Mississippi ('06 ch.119) exempted property operated for a Confederate soldiers home; Iowa ('06 ch.48) the funds of fraternal beneficiary associations; Texas ('05 p.410) the endowment funds of educational and religious institutions invested in bonds or mortgages or in land or other property for a period of two years, when this property was taken to protect loans; California ('05 p.1072) readopted the resolution of last year exempting a particular polytechnic college. (4) Exemption of tangible personal property to a limited amount: no measure of this sort was passed, but the law of Oregon ('03 ex. sess. p.28) relieving householders from taxation to a certain amount, was declared unconstitutional as opposed to uniform and equal taxation. (5) Exemption of credits and loans: Massachusetts ('06 ch.493) exempted from all taxation, within the state, bonds or certificates of indebtedness issued by the commonwealth; New York ('06 ch.90) exempted bonds of the city of Buffalo from city taxation only.

**Taxation of intangible personalty.** The Governor of Mississippi made the only recommendation that the holders of solvent credits be forced to list them for taxation. Maryland ('06 ch.794) passed an amendment of only local significance, imposing an income tax of 8% upon the gross amount of interest received from mortgages in one county (the same law already applied to nine other counties). In Louisiana ('06 ch.215) a constitutional amendment was submitted to the people providing for the exemption of mortgages, but it was rejected in November. In Tennessee, the Supreme Court declared unconstitutional a provision exempting state bonds from assessment in assessing the shares of stock in corporations, declaring this to be a nonuniform and unequal tax. The Governor of California recommended a constitutional amendment repealing the present prohibition of contracts for the payment of the tax on mortgages by the borrower; the Legislature adopted the constitutional amendment to be voted upon by the people. New York made the most important change of the year in mortgage taxation, amending the law of 1905 imposing an annual tax of  $\frac{1}{2}\%$  by substituting a recording tax of the same amount payable only once.

**Situs of personal property.** New York sought to reach more of the personal property of wealthy men nominally residing outside of the state by taxing ('06 ch.248) the personal property of nonresidents in some cases when its actual situs is in the state. Arkansas ('05 ch.146) made timber sold separately from the land personal property to be assessed where the timber is located, and ('05 ch.303) made timber rights separately assessable (apparently to be treated as real estate, though no formal declaration to that effect was made). Oregon's laws of 1905 (ch.156, 162) which sought to tax in several counties foreign sheep coming into the state for pasturage, and live stock pastured in more than one county, were declared unconstitutional as imposing unequal and nonuniform taxation.

**Modes of assessment and collection.** The Governor of Virginia advised the abolition of the office in each judicial district of Examiner of Record, the purpose of which is to reach intangible personal property; but no action was taken. The Governor of Louisiana recommended the election of assessors instead of their appointment by the Governor, and the establishment of a State Board of Equalization; and the Legislature acted on both suggestions ('06 ch.8, 63, 78, 182). Louisiana, in thus adopting the very unsatisfactory method employed in most other states, took a step in what is probably the wrong direction. New Jersey, moving the

other way, provided ('06 ch.120) for a county board of taxation in each county, composed of three members, to be appointed by the Governor with the consent of the Senate. The only measure of the year looking toward central assessment was that of Arkansas ('05 ch.168) making it the duty of the Board of Railroad Commissioners to assess all private cars used in the state.

### Special forms of taxation

The distinction between special forms of taxes on individuals and those on corporations is difficult to maintain this year, as the only taxes of that kind in 1906 applying to individuals are business taxes which are applicable also to corporations.

**Business taxes.** Georgia amended the general tax law ('06 p.21) providing a tax on the business of trading stamps, and made a special law applying to insurance business only. The Governor of Kentucky recommended a tax on the business of rectifying spirits, and the Legislature ('06 p.549) imposed a license tax of  $1\frac{1}{4}$  cents a gallon. Louisiana ('06 ch.62) lowered generally the license taxes on business and professions.

**Incorporation taxes.** Arkansas ('05 ch.261) imposed a minimum fee of \$30 for issuing a charter of \$25,000 or less, and an additional \$5 for each additional \$25,000 of capital stock. This fee is in addition to that now required to be paid to the county of incorporation. Kentucky ('06 ch.2) imposed an incorporation fee of 25 cents a hundred words.

**License taxes on corporations.** California ('06 ch.19) raised the annual license tax on corporations from \$10 to \$20. New Jersey ('06 ch.19) imposed as a franchise tax, on certain public utility corporations not now subject to a tax on gross receipts, an annual fee of  $1/10\%$  on stock up to \$3,000,000 and of about  $1/20\%$  on larger amounts. The Governor of New York called attention to an abuse in the corporation law, in that a foreign corporation with, for example, \$3,000,000 of authorized stock, but actually employing only \$200,000, all in New York, would have its license fee computed on the basis of \$200,000, while a like domestic corporation would have to pay on its entire authorized capital. The law passed ('06 ch.474) attempts to correct this and various other minor difficulties in the corporation taxation.

**Insurance.** The Governor of Ohio questioned the wisdom of making insurance business a source of revenue beyond the expenses of the department of supervision. Louisiana ('06 ch.214) lowered

the rate of taxation of premiums on life insurance companies and limited it to risks located in the state; and ('06 ch.66) defined more accurately the method of computing and assessing the insurance companies.

**Banks.** The Governor of New York again recommended the repeal of the tax on the surplus of savings banks. Decisions in two states overthrew former laws taxing banks: the Maryland law ('04 ch.212) relative to franchise tax on savings banks, being pronounced invalid because of defective title, and the law of Montana exempting personal property of trust deposit and security companies being pronounced unconstitutional as imposing an unequal tax.

**Transportation and transmission companies.** The Governor of Mississippi urged that railroads and other corporations should be taxed on their real value as nearly as is the farmer's wealth. The Governor of New Jersey recommended the taxation of the main stem of railroads at the average rate by the state, and a law ('06 ch.82) to this effect was passed. New Jersey likewise ('06 ch.290) imposed heavier franchise taxes on street railways, the annual franchise tax upon gross receipts, now 2%, to be annually increased  $\frac{1}{2}\%$  until it attains in the year 1911 a rate of 5%. Maryland likewise ('06 ch.712) increased its tax on gross receipts of certain corporations, particularly transportation, safe deposit and fertilizer companies. The franchise tax on gross receipts of railroad companies is made a minimum of  $1\frac{1}{4}\%$  and a maximum of  $2\frac{1}{2}\%$  (formerly 8-10% and 2%). The tax on telegraph, express car, safe deposit and trust companies was made  $2\frac{1}{2}\%$  (formerly 2%); on telephone, oil, pipe line, fidelity and some other companies, 2% (formerly 1%); and on electric light companies, 1% (formerly  $\frac{3}{4}\%$ ); on electric construction and gas companies, and on fertilizer companies,  $1\frac{1}{2}\%$ . Oregon, by two laws, adopted on initiative petition June 4, 1906, imposed an annual license of 3% on gross earnings of express, telegraph, telephone, sleeping car, refrigerator car and oil companies.

### Resume

The year shows some serious and valuable study of taxation, especially in the states of New York and California. The trend of sentiment is strongly toward separation of state and local sources of taxation. The exemptions of the year are exceptionally few and unimportant. Changes in the taxation of intangible personalty are also very slight, and, what is unusual in recent experience, the indications are perhaps as much in the direc-

tion of enforcing it as of abandoning it. The most important measure of this nature is the recording tax on mortgages in New York.<sup>1</sup> Continued effort to fix the situs of property where physical wealth lies is noticeable. One state (Louisiana) changes from the appointment of assessors by the governor to popular election by localities (a decentralizing move), while another state (New Jersey) extends the appointing principle, and one state (Arkansas) makes an important move toward central assessment.

The special taxation of corporations is the most noticeable tendency of the year. Incorporation or license fees are raised in at least five states (Arkansas, Kentucky, California, New Jersey, New York). In insurance taxation there are two indications (Ohio, Louisiana) of a tendency toward moderation. But in the taxation of transportation companies, three states (New Jersey, Maryland, Oregon) make pretty marked advances, those of New Jersey perhaps being the most important changes of the year, in the matter of corporation taxation.

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<sup>1</sup>See article by the writer, *Quarterly Journal of Economics*, August 1906, p. 613.

## INHERITANCE TAX<sup>1</sup>

MAX WEST PH.D., SPECIAL EXAMINER, BUREAU OF CORPORATIONS,  
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There was but little inheritance tax legislation during 1906. The most important law was one repealing the Ohio direct inheritance tax of 1904. Governor Pattison, in his message of January 1906, expressed the belief that it was the wish of the great majority of the people of the state that the law should be repealed, and the Legislature adopted his suggestion by repealing it "except as to estates in which the inventory has already been filed at the date of the passage of this act" ('06 p.229). This curious exception would seem to impose a penalty for the prompt filing of inventories.

The Kentucky Legislature imposed a 5% collateral inheritance tax with an exemption of \$500 and a discount of 5% if the tax is paid within nine months ('06 ch.22, art.19).

Governor Blanchard of Louisiana suggested that the tax on direct inheritances might well be reduced to 2½% and that on collateral inheritances to 5%, and recommended that the inheritance tax be made progressive. The Legislature adopted only the first part of his recommendation, reducing the direct inheritance tax to 2% and the collateral to 5% ('06 ch. 109). As before, the tax does not apply when the property inherited has borne its just proportion of taxes prior to the time of inheritance.

Iowa adds stepchildren and their descendants to the list of exempted relatives ('06 ch.54), and defines the exempted institutions so as to include hospitals, public libraries and public art galleries kept open to the free use of the public not less than three days of each week ('06 ch.55).

The New Jersey Legislature authorizes a discount of 5% on taxes paid within one year ('06 ch.228), and also provides that when no letters testamentary or of administration are taken out within one year from death it shall be lawful for the Comptroller of the Treasury to enter into an agreement in writing with any person or persons giving him information of the property liable to taxation, to pay to such person or persons out of the tax collected from such property such proportion thereof as shall be fixed by said comptroller ('06 ch.227).

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<sup>1</sup>See also Governors Messages and Index of Legislation, 836.

The Governor of Georgia repeated the recommendation of an inheritance tax contained in his message of 1905, but no action seems to have been taken upon these recommendations.



## STATE FINANCE<sup>1</sup>

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**Public lands, parks and buildings.** The most important suggestion regarding public lands made in governors messages of the year was that of the Governor of Virginia, who advocated a policy of state ownership of the riparian lands which, constituting a natural monopoly and likely to increase in value, he said, should not be disposed of in fee simple, but rented or leased for long terms. This recommendation in the direction of the single tax on land values was not acted upon by the Legislature.

The only important extension of the state park system authorized was in New York which extended Palisades park to include the mountain lands lying along the west bank of the Hudson in Rockland county ('06 ch.691).

California soon after the earthquake appointed a commission to purchase sites and to erect state buildings in San Francisco, and appropriated a half million dollars for the purpose (Cal. '06 ch.16). No state undertook a new capitol building, but three states (Kentucky, New Jersey and Wisconsin) provided for the completion, improvement or enlargement of the present capitol buildings. The Governor of Ohio recommended that an appropriation of \$100,000 for a governor's residence be made, but neither this state nor any other took action on this subject. The only legislation on insurance of state buildings was in Kentucky ('06 ch.148-49) which withdrew the authority by which the public buildings of the state had been insured.

**Public officials and accountability.** Two indications are given of the tendency of salaries upward: Iowa ('06 ch.4) increased the salary of the clerk of the State Land Office to \$1500 (formerly \$1200); Maryland ('06 ch.551) increased by about 20% the salaries of most of the guards and attendants at the state's buildings in Annapolis. Louisiana ('06 ch.128) defined and made punishable as misdemeanors the use by officers of their positions for their own private interests, forbidding them to profit directly or indirectly from any contract in which they might have part. The Legislature of Virginia appointed the regular annual auditing committee re-

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<sup>1</sup>See also Governors Messages and Index of Legislation, 770, 849.

quired by the Constitution, whose duty is to examine the accounts of the state financial officers. The Governor of Virginia recommended the creation of the office of special accountant.

The Governor of Ohio recommended that it be made mandatory upon all those in charge of state institutions to purchase of the lowest bidder only after competitive bids had been called for.

Six of the states passed some legislation relating to the use of banks as state depositories (Cal. '05 p.1062; Ky. '06 ch.5; La. '06 ch.128; Md. '06 ch.453; Pa. '06 ch.11; Va. '06 ch.145). The purpose of these acts was almost exclusively to prescribe the method of selecting such depositories and to impose conditions making for greater security. Three governors touched upon this subject in their messages. The Governor of Mississippi advises the establishment of state depositories, but no action was taken in that state. Ohio and Pennsylvania advised the securing of  $2\frac{1}{2}\%$  interest in place of  $2\%$  now paid by the banks acting as depositories, but in neither case was such action taken.

**Debts.** Virginia was the only state taking vigorous steps toward the payment of its debt. The sum of \$74,000 annually was added to the present income of the sinking fund, and a formal declaration was made of the intention of the state to redeem all its obligations and to pay its outstanding indebtedness rapidly.

**Tax rate.** Idaho again passed a resolution to amend the Constitution ('05 p.441), as referred to in the review of last year, to repeal the sliding rate and to permit the rate to remain undiminished as the assessed valuation of property increased. This was adopted in November.

Altogether, this year was even less eventful in the matter of financial policy for the states than was last year. Not a single measure of large importance is noticeable, and the only measures of more than commonplace character are those mentioned in the foregoing brief summary.

*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 3311

**STATE GOVERNMENT, LAWMAKING AND ELECTIONS<sup>1</sup>**

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**State government**

**Constitutions.** No entirely new constitution was adopted in 1906, although numerous amendments were made. In Michigan the proposition to hold a constitutional convention was adopted at the 1906 election, and the question of calling a constitutional convention was referred by the Legislature of Maryland to a popular vote to be taken in November 1907. Governor Utter of Rhode Island recommended that a convention be assembled in that state, but no action was taken by the Legislature.

Oregon (initiative petition) provided that the question of calling a convention might at any time be referred to the people by the Legislature, and upon initiative petition must be so referred.

**Amendments.** An unusually large number of constitutional amendments, 70 all told, were submitted to the people in 1906. No less than 20 states voted upon amendments. California passed upon 14, Louisiana 12, Idaho 7, Florida, Oregon and New York 5 each. Of these amendments 46 were adopted by the voters, and 24 were rejected; in addition to which 6 amendments failed to pass the Legislature a second time in states where this is a necessary step. The bulk of these amendments was proposed in the Southern and Western States; only 9 were voted upon in the central and northeastern groups.

An interesting feature of the 1906 amendments was the application of the Oregon plan of proposing constitutional amendments by means of the initiative petition. Five such amendments were submitted to the voters of that state, and 4 were adopted by the people. The amendments favorably acted upon covered the local referendum, home rule charters, the submission of the question of calling constitutional conventions upon initiative petition, and state printing and binding, while a woman's suffrage amendment was defeated. It is not easy to exaggerate the importance of this Oregon

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<sup>1</sup> See also Governors Messages and Index of Legislation, 15.

departure, which opens up a new and interesting field of constitutional experiment.

In general, the amendments adopted covered such questions as taxation and finance, as, for example, the authorization of a bond issue or tax; or affected the salaries and number of judges and the jurisdiction of the courts. Among the amendments rejected, it is not easy to discover any general tendency or direction. In fact, with few exceptions the amendments considered do not touch upon any very fundamental principles in state government, but are strongly suggestive of unrest and dissatisfaction with existing governmental machinery.

**Governor.** No notable changes were made in the office of governor, except that his power of appointment was increased by the creation of new state offices to be filled by him. Governor Blanchard of Louisiana protested, however, against this general tendency and declared that popular election is the proper method of choice in such cases. In that state the Supreme Court judges, the Registrar of the Land Office, and the Commissioner of Agriculture and Immigration have recently been removed from the list of gubernatorial appointees and placed under the system of popular choice.

The salary of the governor was advanced from \$8000 to \$10,000 in Ohio ('06 p.365); but, on the other hand, the California constitutional amendment increasing the salary of the governor from \$6000 to \$10,000 was rejected by the voters ('05 p.1073).

**Civil service.** Civil service laws were recommended by the Governors of Ohio, Pennsylvania and Virginia, but only in Pennsylvania did legislation follow. There the reform movement produced a law ('06 ch.18) applicable to cities of the first class. This, however, includes Philadelphia only. The act provides for a commission consisting of three members, to be appointed by the mayor and to hold office for a term of five years. Appointments to the classified service are to be made from a certified list containing the four applicants averaging highest. Removals or reductions may be made, providing the employee is given a written statement of the reasons for such action, and is allowed to make a written answer. Both statements are then entered upon the public records of the commission. The exemption features of the law are interesting in that the commission may except any office from the classified service, provided a public hearing is given and any taxpayer who desires to be heard is given an opportunity. Exemptions may also be made "where peculiar and exceptional qualifications of a

scientific, professional or educational character are required, and upon satisfactory evidence that, for specified reasons, competition in such special cases is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainment in such qualities."

Massachusetts ('06 ch.210) provided that police officers under civil service should not be removed, reduced, suspended or transferred, except for just cause and for reasons specifically given in writing. Another act of the same state ('06 ch.306) provides that any appointing officer in a city under civil service shall, on application of the civil service commissioners, file with the auditor a list of city employees, stating the character of the service rendered, the title of the office, the regular salary or wages paid, and all other payments of any kind made to such appointees. A pension system for Union veterans of the Civil War is provided by a New Jersey law ('06 ch.252). Any such veteran who has served continuously for 40 years in state, county, city or township office may be retired by the authority having power to appoint his successor. In this case the pension to be paid is one half of the compensation received at the time of retirement.

**New offices and boards.** Inasmuch as 1906 was an off year in state legislation, the number of new offices and boards is a comparatively small one. Only some 20 were organized, while few were abolished. Agriculture, commerce, charities and corrections and public health are most largely represented, while industrial, educational and quasi scientific interests follow closely.

Boards of forestry were provided for in Maryland ('06 ch.294) and Rhode Island ('06 ch.1322), and a state board of agriculture, forestry and immigration in Kentucky ('06 ch.90)<sup>1</sup>, while in Iowa the secretary of the State Horticultural Society was made State Forestry Commissioner ('06 ch.52). In Mississippi ('06 ch.102-3) the Department of Agriculture and Commerce was organized, to be under the charge of the Commissioner of Agriculture, Statistics and Immigration, elected by the people for a term of four years.

Of a commercial or financial character were the Rhode Island State Board of Accountancy ('06 ch.1370), the Virginia Bureau of Insurance ('06 ch.112), the Louisiana State Board of Equalization ('06 ch.182) and the Board of Liquidation of State Debt ('06 ch.20).

For the protection of the public health were the Massachusetts State Commission for the Blind ('06 ch.385), the New Jersey

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<sup>1</sup> Made up of certain state officers and also one citizen to be elected from each Appellate Court district.

Board of Undertakers and Embalmers ('06 ch.219), and for charitable purposes the Kentucky State Board of Control for Charitable Institutions ('06 ch.18)<sup>1</sup>, the New York State Board of Managers of Reformatories ('06 ch.684), and the South Carolina State Board of Pardons ('06 ch.13).

Of an educational nature were the Kentucky Normal Executive Council, a board made up of state officers ('06 ch.102), and the Louisiana State Board of Examiners of Teachers, similarly composed of state officers ('06 ch.55).

In Mississippi the Legislature authorized the creation of the State Geological, Economic and Topographical Survey,<sup>2</sup> with power to appoint a State Geologist ('06 ch.111), and in Massachusetts a State Commission on Industrial Education was provided ('06 ch.505).

Of a miscellaneous character were the Maryland Board of Shell Fish Commissioners ('06 ch.711), the South Carolina State Board of Fisheries ('06 ch.60), the Kentucky State Racing Commission ('06 ch.137) and the New Jersey Chief Inspector of Power Vessels ('06 ch.91).

**Temporary boards.** Thirty-four temporary boards were authorized. Of these about half were intended to act in regard to some public memorial; others to represent the state at expositions; and others to choose a site for or supervise the construction of some public work of the state. The Legislature, furthermore, authorized the organization of 35 temporary boards or commissions, to make special inquiries or investigations. Eight of these were designed to draft or codify laws, while two, in Iowa and Wisconsin, were to investigate the subject of insurance; two others, in Louisiana and New York, to inquire into the subject of taxation; and three, New Jersey, New York and Ohio, the matter of water supply. Other subjects covered were boys' training, consumptives, spinal meningitis, fish, scallops and lobsters, cold storage poultry, armories, the block signal system, gas fixtures, memorials, riparian rights, and the University of Wisconsin.

**State institutions.** A number of state institutions were authorized by the various Legislatures. Of these nine were concerned with charities and corrections, including institutes for tubercular patients in Iowa and Maryland and reform schools in Arkansas and Southern Carolina, and five with education, including the normal schools in Kentucky, a state school of agriculture in New York.

<sup>1</sup> Reorganization of an existing board.

<sup>2</sup> Composed of various state officers.

and one such school for each congressional district in the state of Georgia.

**Abolition of offices.** A few offices were abolished by legislative action. The New York Board of Examiners of Barbers was abandoned ('06 ch.256), after an experience of four years.<sup>1</sup> The office of State Assayer and Chemist was abolished by Virginia ('06 ch.27), after an existence of 33 years. The River Improvement Commission of New York ('06 ch.418) and the Ohio Canal Commission ('06 p.304) were abolished, and their powers transferred to other departments of the state government.

**Centralization.** Centralizing tendencies in 1906 were not conspicuously evident. In Ohio the State Inspector of Oils replaced the inspectors of districts 1 and 2 ('06 p.359). In New York the characteristic method of control over state institutions was further exemplified in the creation of the State Board of Reformatories, to manage the Elmira and Napanoch reformatory institutions ('06 ch.684). This system involves a special board for each special class of institutions, so that New York now has a commissioner of lunacy, with control over institutions for the insane; a state board of charities, with control over charitable institutions; a prison commission, with control over state penal institutions; and lastly a state board of reformatories.

Kentucky ('06 ch.18) provides for a state board of control of charitable institutions, consisting of three members appointed by the Governor for a term of four years, at a salary of \$2500 each. The Boards of the State Hospitals for the Insane and the Institute for the Feeble-Minded are abolished, and their powers and duties transferred to the newly created board.

**Conclusion.** The general tendency in 1906 follows that of previous years covered by this review, with few pronounced or conspicuous features evident. A smaller number of boards and officers than usual was created, and from this small number it is impossible to deduce any clear-cut conclusions.<sup>2</sup>

### Legislature

**Salaries.** The salary of members of the Legislature was increased in Ohio from \$600 to \$1000 a year, with a deduction of \$10 a day for absence from sessions ('06 p.287). Virginia increased the salary of members from \$240 to \$540, and for an extra session from \$120 to \$250 ('06 ch.235). The California

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<sup>1</sup> Compare California '03 ch.151; Kansas '05 ch.70.

<sup>2</sup> See 1905 Review, p.151.

amendment fixing the salary of the legislators at \$1000 a session in place of \$8 a day ('05 p.1075) was rejected, and the proposed amendment in Texas ('05 p.412), substituting \$1000 a session in place of \$5 a day, was not ratified by the people at the election.

**United States senators.** Ohio was added to the number of states on record as having petitioned Congress to call a constitutional convention for the purpose of proposing an amendment requiring the election of United States senators by direct vote ('06 p.406). This list now includes 24 states.<sup>1</sup> An interstate convention was held at Des Moines, Iowa, in December on the invitation of the Iowa Legislature ('06 p.212). Twelve states participated in this conference, and a committee was appointed to urge the passage of resolutions calling for a constitutional convention.

**Bills.** California provided that bills should not be introduced after 40 days from the opening of the session, instead of 50 as previously required ('05 p.1075), except on consent of three fourths (formerly two thirds) of the members. Mississippi required that laws granting a donation or gratuity to any person or object should be passed only by two thirds vote of the members-elect of each house ('06 ch.238). Virginia legislated against erasing, altering, secreting or destroying pending bills or resolutions ('06 ch.160). An Ohio law made it a misdemeanor to refuse to appear before the Assembly or any committee, and answer any pertinent question, or produce any pertinent books, papers or documents ('06 p.99).

**Lobbying.** An anti-lobbying act was passed by New York state ('06 ch.321). This law requires registration of legislative agents employed to promote or oppose legislation, on a docket kept by the Secretary of State, with a statement as to the person by whom and the purpose for which employed; and requires the filing of a statement within two months after the close of the session as to the expense incurred in the employment of such agent. The employment of persons whose compensation is contingent upon the passage or defeat of any legislative measure is forbidden. This act follows the general outline of the most advanced laws upon this subject already upon the statute books of Wisconsin (1898), Maryland (1900) and Massachusetts (1902). The evils of lobbying were denounced by Governors Warfield of Maryland and Herrick of Ohio, but no action was taken in these states.

**Special legislation.** Kansas adopted a constitutional amendment providing that the courts shall determine whether or not a

<sup>1</sup> See 1905 Review, p.152, for list of these states.



given law is repugnant to the constitutional provision against special legislation ('05 ch.543). The evils of special legislation were pointed out by Governors Stokes of New Jersey and Higgins of New York. Governor Stokes called attention to the fact that of the 7000 laws on the statute books of that state, about 1700, or 25%, relate to municipal government, and that about 70% of the remainder were acts for specific purposes under "the guise of general legislation." Governor Higgins objected to "bills granting corporate charters where the objects of the corporation could be obtained under general laws; bills legalizing bond issues, changing names of corporations, private claim and escheat bills, private bills legalizing acts of notaries public and other officers, and bills private or local in their purpose, but general in form." He also suggested that the expense of passing private bills should be borne by the parties in interest and not by the state.

**Direct legislation.** 1906 was a year of progress toward direct legislation. Three states, Delaware, Montana and Oregon, adopted a system of initiative and referendum in a sweeping form. Delaware voted that the Legislature should provide a system of advisory initiative and advisory referendum, this vote itself having no binding force ('05 ch.53). Montana adopted a constitutional amendment providing for a complete scheme of initiative and referendum ('05 ch.61). The initiative on state affairs may be had on petition of 8% of the voters four months before the election, provided that in each of two fifths of the whole number of counties 8% of the county vote is secured on the petition. The referendum must be granted on petition of 5%, if within six months after adjournment of Legislature, provided two-fifths of the counties furnish 5% each; or a referendum may be required by the Legislature itself without petition. Laws relating to appropriations, constitutional amendments, and local or special laws are excepted from the initiative, and to this class of exceptions are added, in the case of the referendum, laws necessary to the immediate preservation of the public peace, health and safety. It is also provided that the veto of the Governor shall not extend to measures referred to the people by the legislative or by initiative referendum petition. Any measure referred to the people shall still be in full force and effect, unless the petition for reference is signed by 15% of the voters, in which case the law shall be inoperative until passed upon at an election and the result determined.

The Oregon amendment, which was itself originated by initiative petition and not by the Legislature, extends the general referendum already existing to any items, section or part of any act of the

Assembly, but provides that this shall not prevent the remainder of the act from becoming operative. Furthermore, the initiative and referendum are now extended to the legal voters of every municipality and district as to all local, special and municipal legislation, in these districts. These powers are to be exercised as provided by general law, except that cities and towns may provide for the manner of exercising the initiative and referendum locally, but even in this event not more than 10% of the voters may be required for a referendum, nor 15% for the initiative.

Thus far systems of state initiative and referendum have been adopted in South Dakota, 1898, Utah, 1900 (but ineffective by reason of failure of Legislature to provide a definite percentage), Oregon, 1902, Montana, 1906, Delaware (advisory), 1906; and Illinois has an advisory referendum law provided by the Legislature in 1901. The Legislatures of Massachusetts and Nevada have acted favorably upon constitutional amendments, authorizing the initiative and referendum, but the lack of approval by the next Legislature defeated the propositions. In Missouri a similar amendment was defeated at the election of 1905.

### **Elections. Political parties**

**Suffrage.** New York provided that any woman owning assessed property may vote at an election to decide the question of the incorporation of a village. This law also disfranchises such men as had been dependent upon the property of their wives for the right to vote, in elections to decide the question of incorporation, or upon a proposition. On the other hand, Oregon rejected the proposed constitutional amendment authorizing woman's suffrage in that state.

Other minor changes were made in the suffrage laws. Louisiana ('06 ch.38) made desertion from national or state military service punishable by forfeiture of franchise, while Massachusetts ('06 ch.481) permitted veterans exempt from poll tax to register and vote without regard to this.

**Corrupt practices.** The wave of legislation in 1905 regarding corrupt practices continued into 1906. Of special importance are the measures passed by New York ('06 ch.502, 503) and Pennsylvania ('06 ch.17). The New York law was intended to strengthen the somewhat ineffective act of 1890. Both of these laws provide for statements by political committees as well as by candidates, and both provide that no expenses shall be incurred, except of the classes authorized in the act. The New York list, which is rather more

liberal in this respect than that of Pennsylvania, includes rent of halls and compensation of speakers, music and fireworks, advertisement and incidental expenses of meetings, posters, lithographs, banners and literary material, payments to agents to supervise the preparation of campaign articles and advertisements and furnish information to newspapers; for advertising, pictures, reading material, etc.; for rent of offices and clubrooms, compensation of clerks and agents; for attorneys at law; for preparation of lists of voters; for necessary personal and traveling expenses of candidate and committeemen; for postage, express, telegraph and telephone; for preparing nominating petition; for workers and watchers at the polls, and food for the same; for transportation of sick and infirm to the polls. The Pennsylvania law includes fewer items, but requires a statement from candidates for nomination in the primary as well as from candidates for election. Both acts provide rather carefully for their enforcement. In New York, on application of the Attorney General, District Attorney, any candidate, or any five voters, the Supreme Court may compel a statement by order in proceedings for contempt. The New York law also forbids contributions from corporations, prohibits contributions by judicial candidates altogether, and solicitation of judicial candidates.

Minor acts were passed by a number of states. New Jersey enacted stringent provisions against bribery, including under this any undue influence on employee by employer ('06 ch.206). A long list of prohibited expenditures is also given. This includes payments for entertainment, for fitting up clubrooms for social or recreative purposes, or providing uniforms for any organized club, payment for insertion of articles in newspapers or magazines, unless labeled as paid advertisements ('06 ch.208). Georgia ('06 p.46) included contributions of money or other things of value for the purpose of buying a vote under bribery.

There are now 14 states and territories with corrupt practices acts on their statute books.<sup>1</sup> Of these, the laws of Connecticut, New York, Pennsylvania and Wisconsin are most complete in their provisions.

Corrupt practices acts were recommended by Governors Warfield of Maryland, Stokes of New Jersey, Higgins of New York, Pattison of Ohio, and Pennypacker of Pennsylvania, and, in the national field, by President Roosevelt in his message of December 5, 1905.

**Primary elections.** Strong support of primary reform was given by Governors Deneen of Illinois, Herrick and Pattison of

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<sup>1</sup> See 1905 Review, p.160, for complete list.

Ohio, Cummins of Iowa, Blanchard of Louisiana and Warfield of Maryland. Governor Cummins declared that although at first, "as between nominations by plurality and by conventions," he had been inclined to favor the latter, he had been convinced that "we must either accept the primary system, in so far as it is applied with direct nominations, as a whole or the convention system as a whole. With these alternatives before me, I have no hesitation in declaring that I am for the primary system of nomination by plurality, rather than of nomination by conventions."

Governor La Follette, on the other hand, advocated the adoption of a system of preferential voting. Under this system, "The ballot provides opportunity for the delegate to indicate his second choice. If no candidate has an absolute majority of first choice voters, then the ballots cast for the candidate receiving the least number of votes on the list are assorted with reference to second choice for the remaining candidates. If no one of them receives a majority of first and second choice ballots, a similar assortment of the ballots of the lowest remaining candidates is made on the basis of second choices and added to the votes of other candidates and so on until some candidate has a majority of first and second choices." A bill providing for this system was introduced in the Wisconsin Legislature, but failed to pass.

Ten states legislated regarding the subject of primary elections, and of these, three, Illinois, Louisiana and Pennsylvania, passed comprehensive and important acts.

The Illinois law ('06 p.436) was enacted at a special session, necessitated by the fact that the law of 1905 had been declared unconstitutional.<sup>1</sup> The grounds upon which the act was declared invalid were the special requirements for Cook county, which were considered as special legislation, the requirement of a fee from candidates, the delegation of legislative power to party committees in authorizing them to decide whether nominations should be made by plurality or majority vote. The main features of the 1905 law are embraced in the act of 1906. The law is state-wide in application, compulsory in character, and provides almost all of the guaranties of a regular election. Primaries of all parties are held at the same time and place. No provision is made for city elections, however. In order to obtain the constitutionally necessary uniformity, the county is abandoned as a primary unit, and the delegate district, composed of not more than seven election precincts or districts, is substituted.

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<sup>1</sup> *People v. Board of Election Commissioners*, 77 N. E. 321. See 1905 Review, p.163.

In general, the law provides for the nomination of candidates by delegate conventions, in the ordinary way, but with some interesting variations. Candidates for practically all offices may have their names printed on the primary ballot, on filing a petition signed by 2% of the qualified primary voters of the district. At the same time an unofficial delegate ballot is voted containing lists of delegates to the several conventions. Delegates to state, congressional and senatorial conventions only are instructed to vote for the candidate in their delegate district receiving the largest number of votes, but in the case of other officers no such binding instructions are given. In no case is the direct vote for candidates other than advisory in character. A candidate for office may receive a plurality or majority of the popular vote, but this does not in any event entitle him to a nomination, against an opponent who has a larger number of delegates.

Pennsylvania ('06 ch.10) and Louisiana ('06 ch.49) enacted thorough-going direct primary laws, which deserve careful examination. The Pennsylvania law applies to all except state and borough or township officers, and covers the choice of party committeemen as well. The law is compulsory, conducted under the general election laws, and held at public expense. Primaries of both parties must be held on a fixed date and at the same place. The ballots are furnished by the state, and names of candidates are printed upon petition of 200 electors, in case of a member of Congress, judges and state senators, 50 for members of the lower house, and county officers, and of 10 voters for all other officers and for delegates. Balloting is conducted under the Australian plan. The voter, if challenged, must swear that at the preceding general election he voted for a majority of the candidates of the party at that election. Nominations are made in all cases by a plurality vote.

The Louisiana law ('06 ch.49) includes all offices, state and local, and that of United States senator and representative as well. The act applies to special as well as to regular elections, and its provisions are compulsory. The ballot is furnished by the state and balloting is secret. Nominations are made by majority vote, and if no choice is made on the first ballot, a second is held within four weeks, in which the highest two contest. Each candidate for United States Senate, Congress, Governor, Railroad Commissioner, judge of Supreme Court, or any state office is required to make a deposit of \$250, which is returned to him in case he polls 10% of the vote cast for that office, or unless he withdraws before the primary.

The expense of the primary is defrayed partly by the state, which pays the cost of ballots and stationery on state or congressional elections. Other expenses for offices are paid by the candidates, who are assessed by the party committees, while payments for election commissioners and clerks, and rent of polling places, are made by the local governmental authorities.

The law also provides for the organization of a State Central Committee, which must consist of one member from each parish, one from each ward in New Orleans, and three members at large in each congressional district. These members must be elected at the primary held for governor. The committee is given power to direct and order how all subordinate or local committees shall be organized and constituted, fix their number, regulate their term of office, provided the same shall not be for a longer term than four years, and the time of their election, provided, however, that the members of all committees shall be elected in a direct primary.

The Michigan act, to which reference was made in the last Review (p.161), was adopted by referendum vote of the state and candidates were nominated at the same time that the act was adopted. Among the important features of this law was the provision that nominations for state officers should be made by not less than a 40% vote, and that if this minimum percentage was not obtained the choice of a candidate should be left to the convention. A special act of the same year, applying to Alpena county, provided that a 25% vote should nominate,<sup>1</sup> and that in the absence of such a vote, a second primary should be held, within one week ('05 ch.476, special acts).

New Jersey ('06 ch.236) provided that where a ward or township constitutes an assembly district, nomination shall be made by the convention method instead of direct primary, while a Maryland law excepts the choice of delegates to state nominating conventions from the provisions of the primary law of 1904 ('06 ch.407).

The Nebraska act of 1905 (ch.66) was declared unconstitutional in the case of *State v. Drexel* (105 N. W. 174). In addition to defects in the title of the act, objection was made to the requirement of a fee for filing nomination papers, in this case fixed at 1% of the legal emoluments of the office sought. These changes were declared to be arbitrary and unreasonable, "and unrelated to the expenses of a primary or the value of the services rendered and

<sup>1</sup> With certain exceptions; see section 20.

as objectionable as if the test was based on a property qualification, or the amount the elector had contributed to the public revenue."

Including the states added in 1906 there are now direct primary systems, mandatory in nature and covering most offices, in Louisiana, Michigan, Minnesota, Mississippi, Oregon, Pennsylvania, Tennessee and Wisconsin.<sup>1</sup> Of these states, Louisiana, Mississippi, Oregon and Wisconsin cover state as well as local offices, while Michigan covers state but not local offices and Minnesota local, but not state offices. In Kentucky, Florida, Indiana, Massachusetts, North Dakota, New Jersey and Texas direct nomination is mandatory, but only local in scope.

**Nomination.** The Iowa law ('06 ch.43) forbidding the nomination of any person as a candidate for any one office by more than one party was amended by excepting candidates for the office of judge of the district court, who are indorsed by a bar association, or by a convention of attorneys in the district. Ohio ('06 p.176) provided that in filling a vacancy on a ticket a party committee should not name a candidate of another party or a candidate nominated by petition.

**Elections.** Iowa ('06 ch.36) has provided for biennial election of all state officers in the even years, and also of senators and representatives, county and township officers as well, so that hereafter no general elections will occur in the odd years.

**Ballot.** Iowa ('06 ch.44) has required the removal of the party circle from the ballot, but retains the party column. This plan of ballot is found also in Montana. Other states that have abolished the party circle altogether are Arkansas, Florida, Maryland, Massachusetts, Minnesota, Nevada, Oregon, Rhode Island, Tennessee, Iowa. The Wisconsin coupon ballot, referred to in the 1905 Review (p.167) was rejected by the people on its submission.

Voting machines were authorized in Colorado ('05 ch.84), which adopted a constitutional amendment authorizing such a method and an optional statute providing a specific plan, at one and the same time. Rhode Island ('06 ch.1349) also authorized the use of the machine for balloting. The Rhode Island law is unusually definite in describing the requirements the machine must be able to meet and the conditions under which they shall be used.

**Registration.** An important registration law was enacted in Pennsylvania ('06 ch.12). The act provides for registration in

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<sup>1</sup> See 1905 Review, p.165-66, for summary of primary legislation.

cities of the first and second classes, under a board of four members appointed by the Governor of the state. In cities of the third class ('06 ch.13) registrars for each precinct are to be appointed by the county commissioners. Personal registration is required, and a number of drastic features are found in the law. A personal description of the voter is taken, designating whether he is white or colored, his approximate age, height and weight. He is also required to sign his name, if able to write. If challenged, a number of other inquiries are to be made, and his distinguishing marks are indicated on the "Registrar's Description," including among these the color of his hair, place of business, etc.

In case of illness or unavoidable absence at registration time, a person eligible to register may appear before the commissioners and be registered by them.

In Louisiana ('06 ch.141) a registrar of voters is to be appointed for each parish, except Orleans, by the Governor, Secretary of State and Attorney General acting as a board, and the present power of assessors regarding registration of voters is devolved upon these registrars. Ohio ('06 p.270) provided that the city council of any city where registration is not required by law may provide for a general registration in the several wards or precincts thereof. Cities of less than 11,800 may require registration as now provided by law.

Michigan (local acts '05 ch.425) made elaborate provision for a central counting board, made up of the board of county canvassers, the board of city canvassers, the corporation counsel and the comptroller of Detroit. All ballot boxes are returned to this board as soon as possible after the polls are closed and counted by them. At 2 o'clock a collection is made of ballots voted up to that time, with some exceptions, and the remainder are returned at the close of the election.

**Conclusion.** The most conspicuous tendency of the election legislation of 1906 is the movement toward the direct primary, as seen in Louisiana and Pennsylvania, where marked progress was made, and the effort to control party expenditures as evidenced in New York, Pennsylvania and New Jersey. Of all the states, Pennsylvania was by far the most conspicuous in such legislation, enacting in one session a civil service law, a registration law, a primary law and a corrupt practices act. Probably no Legislature ever accomplished more work of such a character at one session than the Pennsylvania Legislature of 1906.



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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33P

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**LOCAL GOVERNMENT<sup>1</sup>**

DELOS F. WILCOX PH.D., SECRETARY DETROIT MUNICIPAL LEAGUE

**City government**

**New Jersey commission.** One of the most significant pieces of legislation affecting municipal government enacted in 1906 was the provision by the Legislature of the state of New Jersey for a municipal government commission ('06 p. 741). Under this provision the Governor was authorized to appoint three persons as commissioners to consider and to report to the Governor and to the Legislature on the first day of its next session in regard to the whole system of municipal government in the state, including cities, towns, boroughs, villages, counties and townships. In its preamble the resolution declared that "municipal government is that form of government which most directly affects the people and therefore should be so economically and efficiently administered as to bear as lightly as possible upon them." It further declared that "under the present provisions of the Constitution of New Jersey the Legislature has been in the habit of enacting at every session a mass of municipal legislation, general in form but special in application, which has resulted in the encumbering of the statute books and has caused confusion and difficulty for municipalities not intended to be affected." It further called attention to the fact that a large part of the time and energy of the courts is spent in the construction and application of this doubtful legislation, and asserted that "the principle of local self-government is recognized to be fundamental and essential to the welfare of the people."

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<sup>1</sup>See also Governors Messages and Index of Legislation, 2430.

The report of the commission is to include the following:

*A* The functions and powers of said municipalities in their relations to the state, to the citizen and to each other, respectively, and how far such functions and powers should extend.

*B* How far and in what respects, if any, such municipalities, or any of them, may, with safety, be relieved from legislative control in order to promote the principle of local self-government.

*C* What, if any, general restrictions should be placed upon the powers and functions of such municipalities, or any of them, with respect to taxation, the issuance of bonds or other municipal obligations, and the creation of municipal indebtedness in general.

*D* What, if any, constitutional changes are necessary or advisable with relation to municipalities in order to restrict or to safely enlarge their powers and functions.

The commission is also to report legislative measures to carry out any or all of the purposes agreed upon by it, "having in view the curtailment of municipal legislation, the production of greater certainty in municipal law and efficiency in municipal government, and the decrease of taxation and of municipal burdens in general."

It is provided that the expenses of the commission when approved by the Governor shall be paid by the State Treasurer on the order of the Comptroller.

**Home rule.** During the year considerable progress was made in the extension of municipal home rule. Most important of all the legislation in this line were the constitutional amendments adopted by the people of Oregon establishing the right of cities to frame their own charters and of the people of cities to initiate local legislation and demand the referendum on local measures.

It will be remembered that a home rule amendment was passed by two successive Legislatures a few years ago, but that no provision was made for its submission to the people. The amendment adopted on June 4, 1906, was proposed by initiative petition. It provides that "the Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the state of Oregon" (art. 11 § 2). This amendment was approved by the following vote: yes, 52,567; no, 19,852.

The other amendment referred to was also proposed by initiative petition. It provides that "the initiative and referendum powers reserved to the people by this Constitution are hereby further reserved to the legal voters of every municipality and

district as to all local, special and municipal legislation of every character in or for their respective municipalities and districts. The manner of exercising said powers shall be prescribed by general laws except that cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than 10% of the legal voters may be required to order the referendum, nor more than 15% to propose any measure by the initiative in any city or town" (art. 4 § 1a). This amendment was adopted by the following vote: yes, 47,678; no, 16,735.

These two constitutional amendments, brought before the people by means of initiative petitions and approved by an overwhelming vote, establish municipal home rule upon a firmer and more radical basis in Oregon than it has heretofore had in any state. The results, as they work out in practical operation, will be watched with great interest by students of municipal legislation.

In California, the destruction of San Francisco, San José and other towns by earthquake and fire led to the submission at an extraordinary session of the Legislature, held in June 1906, of an amendment to the Constitution giving the city and county of San Francisco and the city of San José the right to amend their charters by a three fifths vote of the electors without the necessity of the amendments being ratified by the Legislature ('06 p. 88). Under the scheme proposed, charter amendments would be submitted by the city council and would take effect immediately after being ratified by a three fifths vote of the electors, and "be forever as valid and effective as though such amendment or amendments had been approved by the Legislature." This proposition was submitted to a vote of the people and was rejected in November 1906.

In New York the Legislature passed amendments to the charter of the city of Kingston ('06 ch. 108) by which it was provided that in case the common council shall become tied on any question and while in such condition shall adjourn or take a recess in excess of one hour, at the next session of that body the mayor may appear and preside and have a casting vote and also vote upon any other questions or matters that may come up for consideration at the meeting.

In Pennsylvania the so called Philadelphia ripper bills, passed in 1905 for the purpose of transferring from the mayor to the city councils the appointment of the director of public safety and

the director of public works, were repealed ('06 ch. 19) as a result of the dangerous upheaval of municipal decency in Philadelphia.

The Legislature of Virginia passed a law ('06 ch. 24) conferring upon the council of any city or town in the state general authority to appoint municipal officers and employees, or to confer upon the mayor or the head of a municipal department the power to make such appointments. This piece of legislation is interesting chiefly in that it attempted to give to the cities a larger control of the details of municipal organization than was specifically granted by their several charters.

In Kentucky legislation enacted in 1906 we find one illustration of the tendency of state Legislatures to override municipal policies. An act was passed ('06 ch. 125) reciting that certain cities of the second class had abolished the office of city solicitor and it was deemed necessary that these cities should have the service of such an officer. For this reason the Legislature declared that an emergency existed and ordered the act providing for the appointment of such an officer by the mayor to take immediate effect.

**Classification of cities.** When the present New York Constitution was adopted in 1894, cities were divided into three classes for purposes of general legislation. The first class included cities of over 250,000 population; the second class cities of from 50,000 to 250,000 population, and the third class cities of under 50,000 population. For some unexplained reason, the Legislature of 1906 voted to submit to the people an amendment to the Constitution ('06 p. 1896) so that all cities above 175,000 will be included in the first class. Apparently this is for the purpose either of getting Rochester into the first class or of getting it out of the second. The amendment before being submitted to the people must be approved by the Legislature at another session.

In Kentucky an act was passed ('06 ch. 191) enumerating the cities belonging to each of the six classes into which the Kentucky cities are divided by the Constitution. This enumeration shows 1 city in the first class, 4 in the second, 4 in the third, 31 in the fourth, 61 in the fifth, and all others not enumerated in the sixth.

The General Assembly of Virginia passed a law ('06 ch. 32) providing that when a city of the second class attains a population of 10,000 it shall thereby be deemed to have become a city

of the first class. The Virginia laws provide for ascertaining the population of a city at any time by a special local census.

**Consolidation of municipalities and change of boundaries.** The most important consolidation of cities effected by legislation last year was that of Pittsburg and Allegheny. A law passed by the Pennsylvania Legislature in 1905 (ch. 161) was declared unconstitutional by the Supreme Court of the state on the ground that it was special legislation. It seems that the act of 1905 provided that where two cities situated in the same county are or may be contiguous to each other, the city having the smaller population, as shown by the last preceding federal census, may be annexed to the city having the larger population. It was further provided that "for purposes of this act, cities separated by a stream, river or highway shall be included under the term contiguous."

In Pennsylvania local or special legislation regulating the affairs of cities is prohibited by the Constitution. The court cited a number of decisions bearing on this point and then said: "It is settled that the test where a statute is local and special legislation within the prohibition of the Constitution is whether it operates upon all counties or cities alike and when they are properly classified it acts upon all counties or cities of the same class alike, or whether it operates upon certain counties or certain cities, or upon a part of a class of counties or cities and excludes all others." The court took cognizance of the fact that Pittsburg and Allegheny were the only two contiguous cities in the state and that in effect the act was limited in its operation to these two cities. The legislation was therefore declared unconstitutional.

A new act was passed by the Legislature in 1906 (ch. 1) in which the unconstitutional features of the act of 1905 were avoided. Instead of requiring that the two cities should be contiguous to each other, the new act provided that "wherever in this commonwealth, now or hereafter, two cities shall be contiguous or in close proximity to each other, the two, with any intervening land other than boroughs, may be united and become one by annexing and consolidating the lesser city, and the intervening land other than boroughs, if any, with the greater city, if at an election, to be held as hereinafter provided, there shall be a majority of all the votes cast in favor of such union." This act has since been held valid and proceedings have been taken to effect the consolidation of Pittsburg and Allegheny.

The law provides that none of the elected officials of either of the cities shall be thrown out of office on account of consolidation. The councils of the two cities are consolidated. The mayor of the larger city becomes mayor of the consolidated city, and the mayor of the smaller city becomes deputy mayor of the consolidated city. The deputy mayor has the veto power over ordinances relating exclusively to the smaller city. The mayor has the veto power over all ordinances, including those subject to the deputy mayor's veto.

The Kentucky Legislature passed a very curious act governing the annexation of territory to cities ('06 ch. 19). It provides that whenever the city council by a two thirds vote passes an ordinance to annex any unincorporated territory or to cut off any territory from the city, the ordinance shall be published for 30 days. If in that time any of the residents or freeholders of the territory in question file a petition in the Circuit Court and object to the annexation or exclusion of territory as the case may be, the court is required to hear the case and if satisfied that less than 75% of the freeholders in the territory affected have remonstrated and that the adding or striking off of such territory will be for the city's interest and will cause "no manifest injury" to the freeholders in the territory, the ordinance shall be approved. If, on the other hand, 75% or more of the resident freeholders have remonstrated, the ordinance shall not be approved unless the court finds that a failure to annex or strike off the territory in question "will materially retard the prosperity of such city and of the owners and inhabitants" of such territory. In case it is a city of the fifth or sixth class, or a part of such city that is to be annexed, an election must be held. If one quarter of the inhabitants of the city to be annexed voting at this election favor the proposition then it shall go into effect. If it is a city of the second, third or fourth class that is to be annexed, it requires the approval of at least two fifths of the inhabitants voting at the election.

An elaborate Virginia law ('06 ch. 221) provides for the consolidation of cities in another way. To effect consolidation it is necessary for the council of one or the other of the cities to pass an ordinance including: first, the name suggested for the new city; second, a declaration as to whether the new city shall be governed by the general municipal laws or by the special charter of either of the cities to be consolidated; third, setting forth the particular inducements to consolidation; fourth, appointing a

committee to confer with a similar committee from the other city. If the council of the other city agrees to the proposition, it shall proceed in a similar manner to pass an ordinance and appoint a conference committee. The two committees meet in joint session and draft a joint ordinance which, to become effective, must be passed by the councils of both cities. The question of consolidation may be submitted to popular vote by the councils and it must be so submitted if in any city one quarter of the electors petition therefor.

**Nonpartizanship.** Two or three experiments in nonpartizan legislation were inaugurated in 1906. The most interesting and perhaps the most important of these was the new charter for the city of Newport (R. I. '06 ch. 1392).

Under this charter a representative council was established to consist of 195 members. The city was divided into five wards, and each ward was entitled to choose 39 members of this council. The terms of office of the councilors were fixed at three years, 13 to be chosen each year from each ward. The executive powers of the city were vested in the mayor and five aldermen. The aldermen must reside in the several wards, but are elected by vote of the city at large. At the representative council any citizen has the right to speak but not to vote. The council levies taxes, makes the appropriations and passes the city ordinances. The council also elects the city treasurer, the city clerk, the city solicitor, and several other municipal officials and fixes the salaries of the city officers. If the council votes for any proposition requiring an expenditure of \$10,000 or more in addition to the regular annual appropriations, petitions may be filed requiring the submission of the question to popular vote. Petitions must be signed by at least 10 electors from each ward in addition to 100 from the city at large.

Ordinances or propositions similar to those just described may be initiated by petition of 100 voters. If so initiated they must be considered by the representative council at its next meeting and acted upon before adjournment. If disapproved by the council, petitions signed by at least 20 electors from each ward in addition to 200 from the city at large may be filed requiring their submission to the electors. In that case the proposition will be decided by majority vote.

The nomination of all candidates for elective city offices must be made by nomination papers filed with the city clerk at least 12 days before election. A nomination paper is not valid unless the accept-

ance of the candidate is written upon it. Candidates for the representative council may be nominated by 30 electors of the ward. Candidates for aldermen and for the school committee need 100 names on their nominating petitions. Candidates for mayor require at least 250 nominators.

"Nothing shall be printed or written upon the ballot," says the charter, "except the name of the candidate, his residence, office for which he is nominated, and such other nonpolitical facts as the election laws of this state may require."

The act was submitted to the voters of the city for approval on June 6 last and was ratified.

The charter of the town of Easton enacted by the Legislature of Maryland ('06 ch. 458) also provides for a nonpartizan ballot. The names of the nominees for each office must be printed in a single vertical column "without device of any kind."

The Massachusetts Legislature passed a bill to incorporate the city of Westfield ('06 ch. 409). This charter was submitted to a vote of the people and defeated at the polls. It provided for a sort of nonpartizanship through minority representation. The common council was to consist of 11 members, one from each of six wards and five at large. No party or persons could nominate more than three candidates for aldermen at large, and the five having the highest vote were to be elected. In like manner the school board was to consist of six members, three elected each year and no party was to nominate more than two candidates at any one election.

**Organization of city government.** A new charter granted to the city of Norfolk (Va. '06 ch. 170) contains some provisions of general interest. The council is composed of two chambers which are required to meet in joint session for the purpose of electing city officials not elected by the people. The mayor is a chief peace officer and general watchdog of the city treasury. The real administrative functions of the government are performed by a board of control consisting of three members elected by the voters. One member of the board is elected every two years for a term of six years. This board of control has charge of streets, bridges, parks, sewers, public buildings, public cemeteries, markets, almshouses, waterworks, etc. It also has charge of the police, fire and health departments. It also acts as a board of contract and supply for all departments of the city government. The board may summon any administrative officer except the mayor to attend its meetings and give information. All appointments



by the board of control or other departments must be "based upon merit, fitness and competency alone, and political and religious opinions shall not be considered in making appointments."

The charter provides also for a board of commercial and industrial interests, to consist of two members of the upper branch and three members of the lower branch of the council, and three citizens, the latter to be appointed by the mayor. The duty of this board is to consider matters of internal improvement and to look after the commercial, industrial and manufacturing interests of the city, to watch over and take care of its connections, means of transportation and communication and all matters relating to freight rates, traffic or travel into and out of the city. In short, this board is to perform in an official way functions which are usually performed unofficially by a chamber of commerce. The charter also provides for a commission on beautifying the city, to be composed of five citizens to be appointed by the council. This commission is to consider the appearance and arrangement of parks, buildings, waterways and streets and to confer with the county authorities and the owners of suburban land as to the proper laying out of their property to conform with general plans.

The board of estimates, or the board of estimate and apportionment, as it is called in the cities of New York state, is coming to be a more and more important factor in municipal organization in this country. This board assumes different forms in different cities. In the new charter of Auburn (N. Y. '06 ch. 185) the board is called the board of estimate and control, and consists of the mayor, comptroller, city attorney, the president of the common council and the chairman of the council committee on claims and finances. This gives the mayor, with the help of the comptroller and the city attorney, who are his appointees, a majority on the board. It is the duty of this board to prepare the annual estimates for the common council, which may adopt or diminish the estimates or reject any item except such as relate to the city debt and the educational and water departments, but may not increase any item for any purpose.

The new charter of the city of Saginaw (Mich. Special laws, '05 ch. 566) provides for a board of estimates consisting of five members to be appointed by the mayor of the city and confirmed by the common council. No more than three of them shall reside in either of the taxing districts into which the city

is divided and no more than three shall be members of the same political party.

The Saginaw board of estimates, following the type of the Detroit board, does not prepare the budget in its original form. The estimates first go to the common council, where they are revised and submitted to the board of estimates, to be reported back inside of two weeks. The board may decrease the amount submitted by the council, but may not increase it and may disallow any items. The estimates as approved by this board are final.

In the charter of Grand Rapids (Mich. Special laws '05 ch. 593) provision is also made for a board of estimates, to be composed of the mayor, city clerk, city comptroller, the three members of the council committee on ways and means and three electors who shall be citizens and freeholders to be appointed annually by the mayor. The duties of this board are purely advisory. The board considers the estimates presented by the several departments and recommends a budget to the common council. The common council may, however, change the budget in any way it sees fit.

A Pennsylvania act ('06 ch. 4) relating to "cities of the first class," that is, Philadelphia, provides for a certain permanency of tenure in the municipal civil service. Under this act no person may be removed "except for such cause as will promote the efficiency of the public service" and no person serving a city in any department is permitted to be a member or attend the meetings of any political committee or take any active part in political management or use his office to influence political movements or the political action of any other officer, clerk or employee of the city.

Baltimore leads the way by the establishment of a department of legislative reference (Md. '06 ch. 565). At the head of the department there is a board composed of the mayor, the city solicitor, the president of Johns Hopkins University, the president of the Municipal Arts Society, and the president of the Merchants and Manufacturers Association of Baltimore. This board is required to employ a competent statistician as its executive officer who shall hold his office during good behavior. It is the duty of this officer to investigate and report upon the laws of Maryland and "other states and cities" relating to any subject upon which the mayor of Baltimore or any committee of the council or the head of any city department may desire a report. It is also his duty to accumulate data in regard to the

practical operation and effect of these laws and to get information in regard to subjects of legislation proposed by the Legislature of Maryland or the Baltimore city council. He is also required to assist in the preparation of bills, ordinances and resolutions and to index and arrange the information obtained by the bureau so that it will be accessible at all times to city officials and the general public. The Baltimore board of estimates is required to provide annually for the payment of his salary, which shall not be less than \$2000, and also for a sum sufficient to pay all other expenses of the department.

### **County government**

**Salary system v. fee system.** The most important legislation in regard to county government has to do with the method of paying county officers. The New Jersey Legislature passed a general act ('06 ch. 53) regarding the fees of surrogates, registrars, county clerks and sheriffs in all counties except those of the first class. The act requires that the fees, costs etc. which have heretofore been received by the officials named for services rendered shall be collected the same as ever, but shall be turned over to the county collectors of the several counties as public moneys. Salaries are established varying with the population of the counties. All four officials mentioned in the act receive the same salary, however. In counties between 125,000 and 200,000 population this salary is \$6500. In counties between 100,000 and 125,000 it is \$5500. In counties between 75,000 and 100,000 it is \$4500. In counties between 50,000 and 75,000 it is \$3500. In counties between 30,000 and 50,000 it is \$2500. In counties of less than 30,000 it is \$2000.

The act provides that the officials shall select and employ the necessary deputies and assistants who shall receive such compensation as is approved by the judge of the Court of Common Pleas.

Even more important than the New Jersey act are the salary acts passed by the General Assembly of Ohio ('06 p. 89, 117) as a result of the investigation of the abuses of the fee system under the uniform accounting law in force in that state. Under these acts the usual fees of the county auditor, county treasurer, probate judge, sheriff, recorder and clerk of courts continue to be collected, but are now turned over to the county as public moneys. It is provided that in November of each year

the county officials mentioned shall file with the county commissioners a detailed statement of their estimate of money necessary to be expended for deputies, assistants etc. together with a sworn statement of the amount so expended for the preceding year. The county commissioners are required to consider this statement and fix an aggregate sum to be expended for the purposes included in the statement. This sum must be "reasonable and proper, regard being had to the amount of labor necessary to be performed by those to receive the same." The power to employ deputies and clerks, to fix their compensation and to discharge them is retained with the several county officials, but each official is limited in his expenditure to the aggregate amount fixed by the county commissioners. County officials are prohibited from receiving directly or indirectly any part of the compensation of their subordinates or any fee or reward for appointing them.

All fees are paid into the treasury and kept as a separate fund. It is provided that the county commissioners may, during the first year after the act takes effect, but not thereafter, transfer to the county officers' fee funds, money from other funds in such sums as may be necessary to make good any deficiencies that may arise. After the first year the fee funds must support the offices. The county officials are expected to go without their pay unless they collect sufficient fees to pay for their assistants and also to pay their own salaries. It is provided, however, that if they get behind one year they may make it up the next by greater diligence or thrift. Every subordinate is required to sign a receipt for his salary in which he certifies that he has received the full sum indicated on the receipt for his own use and benefit and that he has not paid or assigned or contracted to pay or assign any part of this compensation for anybody's else use, or paid or given or agreed to pay or give any reward for his job.

The salary schedule established by the Ohio Legislature provides for the payment of a certain amount per 1000 of population, the amount per thousand decreasing as the population of a county increases. The following table will show what the salaries of the different county officers would be for counties having the population indicated in the first column. The county treasurer and probate judge each receive the same salary as the county auditor.

Population	County auditor	County clerk	Sheriff	Recorder
15 000	\$1 500	\$1 275	\$975	\$900
30 000	2 475	2 175	1 800	1 650
45 000	3 300	2 925	2 475	2 250
60 000	3 975	3 525	3 000	2 700
75 000	4 500	3 975	3 375	3 000
90 000	4 875	4 275	3 600	3 150
120 000	5 025	4 425	3 750	3 300
150 000	5 175	4 575	3 900	3 450
315 000	6 000	5 400	4 725	4 275
435 000	6 000	6 000	5 325	4 875
570 000	6 000	6 000	6 000	5 550
680 000	6 000	6 000	6 000	6 000

Salaries are limited to \$6000, no matter how populous the county may be.

## LOCAL FINANCE<sup>1</sup>

FREDERICK R. CLOW PH.D., OSHKOSH, WIS.

The legislation of the past year shows few new developments of importance. On the contrary it shows that some of the older states have developed financial procedure for their local governments to the point where it is fairly complete and satisfactory. The new laws and charters follow in the grooves already well marked out.

This condition is most clearly seen in **New York**, where the financial system, of the larger cities especially, has reached the highest development. In 1898 a law (ch.182) was passed for the government of cities of the second class, embodying features which had been given trial in individual cities. Each year thereafter some slight changes were introduced. Last year an act ('06 ch.473) repealed all of these separate acts, including that of 1898, and embodied the approved provisions of all in a new well arranged statute. However, the leading features of the act of 1898 remain unchanged. The administration of the city's finances is committed to a board of estimate and apportionment composed of the mayor, comptroller, corporation counsel, president of the common council and city engineer. When this board considers a question affecting one of its own members, such as the number or salaries of his subordinates, the treasurer takes the place of that member. This board makes the annual budget; the council merely has the power to reduce or reject items. The present law provides for making the budget in February and March instead of November and December, as required by the law of 1898. This permits the budget to be made after the close of the preceding year so that its results can be known and used; it brings the fixing of the year's financial arrangements nearer to the season when the heaviest expenditures are undertaken and can be more accurately estimated; finally, it leaves the budget to be made by the administration which is to carry it out. Substantially this same system obtains in the revised charter which was passed for the city of Auburn ('06 ch.185), but with one novel feature—the comptroller holds office during good behavior, being appointed by the mayor and removable by him.

**Michigan** has matured a financial system for its larger cities like that of New York in that it commits the making of the budget

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2550.

to a small body, the board of estimates. This plan has been in use in Detroit for over a decade and has been adopted in the charters of some other cities. That it gives satisfaction is evidenced by its appearance in the revised charters of Saginaw ('05 special laws ch.566) and Grand Rapids ('05 special laws ch.593). The Saginaw board consists of five members appointed by the mayor and confirmed by the council, one retiring each year; in Grand Rapids it consists of the mayor, clerk, comptroller, the members of the committee on ways and means of the council, and three electors appointed by the mayor. In the smaller cities, on the other hand, Michigan, like New York, leaves the making of the budget entirely to the council.<sup>1</sup>

The **New England** system is illustrated by the charter of Westfield, Mass. ('06 ch.409). During January, the first month of the fiscal year, with the newly elected officers in control, the heads of departments estimate their needs and communicate them to the mayor, he meanwhile having power to authorize each department to incur liabilities up to one fifth of its appropriation for the preceding year. The mayor then makes his estimate for all departments, and transmits this, together with the estimates of the department chiefs, to the board of aldermen. A two thirds vote of all the aldermen is necessary to appropriate for any item more than the mayor has estimated for it. Before the close of the third month they are required to pass an annual appropriation bill. Then it devolves upon the auditor to see that the city's funds are expended in accordance with this bill. Though there is some variation among New England cities, this is the type which has been coming into use the last dozen years.

Regarding **depositories** for public funds, the only notable legislation is in Ohio. One act ('06 p.274) extends the privilege of receiving deposits of county funds from banks to trust companies; another ('06 p.185) requires and carefully regulates the depositing of township funds in banks, whereas formerly depositing in banks was barely permitted only when the township had no suitable safe in which the funds might be kept.

The tendency to enlarge the **borrowing power** of local governments still continues, and this time without a single act designed to hold it in check. New Orleans (La. '06 ch.19) is empowered to

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<sup>1</sup> Michigan: '05 special laws, ch. 399, Jackson; ch. 556, Coldwater. New York: '06 ch. 288, Hornell; ch. 477, Elmira; ch. 494, Ogdensburg; ch. 651, Rome.

issue bonds for its sewerage and water system exceeding the amount originally authorized by \$8,000,000. Virginia ('06 ch.148) authorized any town to issue 35 year bonds up to 18% of the assessed valuation of real estate for a variety of purposes; they include "a suitable equipment against fire," "improving school buildings," "repaving" streets, and "maintaining sewers and culverts." The South Carolina Legislature ('06 ch.198) submitted an amendment to the Constitution to allow the city of Bennettsville to issue bonds beyond the usual limit to provide waterworks and sewerage. Iowa did the same for lighting plants and sewers ('06 ch.49). The New York Legislature ('06 p.1897) submitted an amendment providing that "debts incurred by any city of the second class after the first day of January, 1908, to provide for the supply of water" be not "included in ascertaining the power of the city to become otherwise indebted." Idaho ('05 p.435) submitted an amendment, voted on November 1906, to facilitate borrowing by local divisions. California ('06 p.91) submitted an amendment providing that the sinking funds of San Francisco, Santa Clara and San José may "commence after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed 75 years from the time of contracting the same." Missouri adopted a constitutional amendment in November 1906, to permit local governments to issue 20 year bonds beyond the debt limit for constructing "or maintaining of paved, graveled, macadamized or rock roads." New Jersey ('06 ch.315) authorized municipalities to anticipate taxes and special assessments by borrowing up to 90% of the amount levied.

At the same time some disposition is shown to lower the limit to the **tax rate**. The Governor of Louisiana (Digest of Messages, 2578) considered the maximum in that state too high—10 mills on the dollar for "parish and municipal and levee district taxation"—and recommended its reduction to 8 mills. The Legislature passed an act ('06 ch.64) to this effect, making an exception for places having "an unmatured interest-bearing indebtedness." A New Jersey act ('06 ch.116) requires that the rate in all taxing districts of the state, if it exceed \$1.75 on the \$100 for local purposes, exclusive of taxes to pay judgments, be gradually reduced to that rate.

An Iowa act ('06 ch.34) adds that state to the list of those that **supervise the accounts** of the local governments. In cities of 5000 and above the chief accounting officer must publish an



annual financial report in pamphlet form; in smaller cities the report must be made out and its publication may be authorized by the council. In either case a copy of the report is to be forwarded to the Auditor of State by July 1, and by December 1 he is to publish a compilation of these returns in a separate volume, including in it "his comment and recommendations respecting desirable changes in the laws governing financial administration in municipalities." He is to prescribe a system of accounts which the municipalities must adopt by April 1, 1907, and is authorized to appoint a commission to assist him in preparing it, the personal expenses of the members for 30 days to be defrayed by the state. They "shall adopt so far as practicable the latest and most approved methods in municipal accounting, especially the classifications and definitions of municipal finance in use in the national census office." Examiners of municipal accounts, appointed by the State Auditor, are to make a personal inspection in each city of 5000 or over at least once every two years. This law, though loosely drawn, may be the dawning of a better day for Iowa cities, and may therefore take rank easily as the most important piece of legislation relating to local finance that was enacted during 1906.

## MUNICIPAL FUNCTIONS<sup>1</sup>

JOHN A. FAIRLIE, PROFESSOR (JUNIOR) OF ADMINISTRATIVE LAW,  
UNIVERSITY OF MICHIGAN

Legislation on municipal functions in 1906 was of the usual piecemeal character; and it is difficult to point out any new general tendencies of first-class significance. There is a gradual increase in the scope of municipal activities, but almost a corresponding increase in the scope of legislative control through the details of the statutes. New Jersey has the largest volume of legislation of some importance, including several acts on municipal ownership and others dealing with police and fire departments. In Rhode Island state control of the police in the larger cities has been relaxed. The new charter of Grand Rapids, Mich., contains a number of important features. The price of gas in New York and Boston has been regulated by direct legislative action.

**Public safety.** In two New England states significant legislation has been enacted in reference to state-appointed police boards. A Massachusetts act ('06 ch. 291) replaces the former State Police Board by a single police commissioner and a board of excise commissioners; but both of these authorities are appointed by the Governor and Council, so that the state control is not in any way reduced. On the other hand, the state control of the police in the two largest Rhode Island cities has been put in process of extinction. The Providence police board has become appointive by the mayor and council; while the new charter for Newport provides that after January 1, 1908, there shall be a board of three police commissioners appointed by the local representative council. These measures indicate some reaction from the growing tendency toward state-appointed police boards. But as yet there seems no indication of any movement for the much needed state administrative supervision of local police.

In New Jersey, there has been a good deal of legislation during the past year in reference to municipal police and fire departments. Some of the acts have been passed as amendments to an act of 1885, which has the title, "An act to remove the fire and police departments in the cities of this state from political control." This act,

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2430.

however, simply authorized the appointment, in cities accepting the act, of bipartizan police boards and fire commissioners—the act specifically requiring two members of each board of four to be chosen from each of the two principal parties.

In 1905 an amending act was passed applying to cities with a population between 12,000 and 100,000 which had not established a police board under the act of 1885. This definitely required the appointment of a police board by the mayor of such cities, not more than two of the four members to be chosen from the same political party. But this act has been declared unconstitutional, as special legislation.

An act of 1906 (ch. 270) now provides that in cities of the second class under 35,000 population which accept this act, there shall be fire and police boards appointed by the mayor and council, not more than two of the four members of each board to be from the same party. These boards are to choose the members of the fire and police departments, but no provisions are made for any effective merit system, while the chiefs of the two departments are to be confirmed by the council. This last provision seems to be in direct conflict with another act ('06 ch. 177) which authorizes boards or commissioners appointing members of police and fire departments also to appoint the chiefs.

Two other acts ('06 ch. 45, 242) regulate the salaries of policemen and firemen in cities of the first class under the act of 1885, subject to the adoption of the act by referendum.

Other acts deal with the problem of discipline of policemen and firemen. One measure ('06 ch. 287) authorizes the chief of police in cities of the first class under the act of 1885 to suspend policemen pending a hearing on charges, and authorizes the police boards to impose fines as penalties for various offenses. Two acts ('06 ch. 7, 42) provide for a summary review before a justice of the Supreme Court of proceedings for the dismissal or reduction in rank of policemen or firemen.

Much of this legislation is probably intended for particular cities; and the referendum clauses serve the purpose of limiting their application.

Pension systems for members of the police and fire departments continue to be established. Two New Jersey acts ('06 ch. 222, 299) and two New York acts ('06 ch. 393, 613) provide for police pensions; and a Massachusetts act ('06 ch. 476) authorizes pensions to "call firemen."

An amendment to the New York village law ('06 ch. 34) provides for boards of police commissioners in villages of more than 14,000 population.

**Public works.** Legislation continues to be needed to give cities adequate authority to deal with the elemental problems of street paving and sewer construction. A Maryland act ('06 ch. 401) authorizes the city of Baltimore to borrow \$5,000,000 for street improvements, to be expended by a paving commission. Several New Jersey acts ('06 ch. 43, 304, 321) enlarge the powers of cities in this field. One authorizes cities of the first class to issue bonds to the amount of \$500,000 for street improvements. Another authorizes the council of cities adopting the act to pave streets, provided the owners of three fourths of the property do not protest. And a third authorizes the council of cities organized under an act of 1899 by a two thirds vote to pave streets and build sewers, subject to a similar provision in the case where owners of three fourths of the adjacent property protest.

In Kentucky ('06 ch. 130) and Ohio ('06 p. 202) power has been granted to close or vacate streets. In the former case the power is conferred on the councils of cities of the second class, subject to proceedings in the courts. In the latter, the council of any city or village may take action.

In Kentucky ('06 ch. 128) the councils of all cities of the second class are authorized by a two thirds vote to order streets paved at the cost of the abutting property and without the consent of the property owners. In Louisville the board of public works is given authority to control the laying out of new streets, not only inside the city limits, but also within 3 miles of the city ('06 ch. 53).

Another illustration of the lack of adequate grants of power is a special act of the Michigan Legislature in 1905 (ch. 670) which was needed to authorize the important city of Detroit to establish a municipal staff for the collection of garbage and to purchase or lease a garbage disposal plant.

In California a constitutional amendment submitted at the November election authorizes the city of San Francisco for two years to acquire by purchase or condemnation lands for streets, parks and other public purposes.

**Parks.** Any important addition to the park systems of American cities seems to require additional legislation that is special in its application. A New York act ('06 ch. 456) authorizes the city of New York to borrow \$2,500,000 to establish a Seaside park in or

near the city, where municipal hospitals may be erected. Another special act of this state ('06 ch. 586) provides for a board of park commissioners for the city of Syracuse.

Two New Jersey acts ('06 ch. 181, 258) authorize local issues for park purposes, in each case to the amount of \$300,000. One act applies to counties of 200,000 population; and doubtless refers to the Essex county system. The other is general in form, but is subject to a popular referendum, and is probably intended for a single city.

A resolution of the Rhode Island Legislature submits to popular vote the question of a loan of \$250,000 for the metropolitan park district in that state. Of somewhat more extended application is a Kentucky act ('06 ch. 15) providing for park boards in cities of the second class, to be appointed by the mayor.

New charters to two Michigan cities (Grand Rapids and Saginaw) passed in 1905 establish in each of these cities a park and cemetery board. This seems an advisable combination in cities of moderate size, and serves to keep the number of separate departments within reasonable limits.

**Franchises and municipal ownership.** In the new charter of Grand Rapids, Mich. (local acts 1905, ch. 593) is a special division of seven pages dealing with franchises and municipal ownership. Franchises may be granted by two thirds of the council, subject to a referendum on a petition signed by 12% of the qualified voters of the city. No franchise may be granted for a longer period than 20 years. The maximum price for the service shall be stated in the ordinance, and the council may reserve the right to change the rates by direct action or by arbitration. The council shall have power to regulate and control the exercise of any franchise. Annual statements must be made in reference to stock, debt, gross and net earnings, and expenses. Every franchise shall provide that the city may purchase the property and plant at its expiration, subject to a referendum by the voters; or the franchise may provide that the property may become the property of the city without compensation. The council is also given power to acquire or construct and maintain waterworks, electric light works, gas works, power works, heating works, telephone and telegraph lines, street railway tracks, subways and conduits, bridges, viaducts, wharves and docks, markets, garbage plants and such other public utilities as the council may designate. Before acquiring any new public utility, there must be an estimate of the cost and an approval of the proposition by vote of the elec-

tors. But there are no adequate provisions whereby the city can raise the funds for any important additions to the present public utilities, either by bonds or special mortgage certificates.

A New Jersey law ('06 ch. 36) regulates to some degree grants in the streets, parks and other public places. Applicants must present a petition; there must be public notice; grants by the city councils are limited to 20 years, but on a referendum grants may be made for as long a period as 40 years. None of the other safeguards found in the Grand Rapids charter are in the New Jersey law.

Massachusetts ('06 ch. 422) and New York ('06 ch. 125) have passed new laws regulating the price of gas in their largest cities. For Boston a sliding scale has been established, similar to that in force in London. The standard price of gas for 10 years is fixed at 90 cents per thousand feet, and so long as the price is at that figure dividends may be declared up to 7% on the capital stock. For each 1 cent reduction in the price of gas dividends may be increased one fifth of 1%. Excess profits accumulated if the price is maintained at a high rate are to be divided among the cities and towns supplied. New stock issues must be offered at public auction. After June 1916 the standard price may be raised or lowered by the State Gas and Electric Light Commission.

For New York city the price of gas in the boroughs of Manhattan and Brooklyn is fixed at 80 cents per 1000 feet. But the application of this rate has been restrained pending proceedings in the courts.

Several laws have been enacted in New Jersey extending the powers of cities with reference to municipal ownership of public utilities. One act ('06 ch. 98) passed in April authorizes cities owning waterworks to use and develop electric power for lighting or other public purposes; and provides for the issue of \$500,000 in bonds. In May a joint resolution was passed providing for a commission to investigate and report to the next Legislature in reference to the advisability of legislation authorizing municipal lighting plants. But before the session had ended, acts apparently of general application were passed, authorizing municipal waterworks and light, heat and power plants. The act for waterworks ('06 ch. 302) authorizes any city to construct or purchase waterworks after a referendum, grants power to condemn land, provides for arbitration where an existing plant is purchased, and authorizes bond issues to an amount to be determined by the council, the tax levy to meet the interest and sinking fund payments on such water bonds not to be

subject to the restrictions on the tax levy named in special acts. The other act ('06 ch. 323) authorizes cities to construct and operate municipal light, heat and power plants, after a referendum on the issue of bonds, which are limited to 1% of the ratables.

In Iowa an act has been passed authorizing mortgage bonds on municipal water plants, which may confer a 25 year franchise in case of foreclosure; such bonds to be issued only after a referendum. This seems to show the influence of the Illinois Müller law in reference to street railways. And such special mortgage bonds or certificates seem to provide a safe means for authorizing experiments in municipal ownership, without removing the limitations on general municipal debt.





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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 339

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The Family	Amasa M. Eaton	

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PROPERTY<sup>1</sup>

ERNST FREUND J.U.D., PROFESSOR OF LAW, UNIVERSITY OF CHICAGO

The property legislation of 1906 is inconsiderable in amount and presents very few points of general interest.

The disaster in San Francisco led to the enactment of legislation providing for proceedings to establish and quiet titles (Cal. '06 ch.59) and authorizing counties and municipalities whose records have been destroyed to acquire by condemnation the plants of title companies (Cal. '06 ch.50). The act for the establishment and quieting of titles is similar in principle to the Illinois burnt records act of 1872, passed in a similar emergency, but the California law is less elaborate. Proceedings under it are brought against all the world and the judgment binds all interests without any saving for persons under disability.

The tendency to remove fetters from real property and to facilitate its transfer is perhaps the one noticeable feature in the legislation under review. Massachusetts ('06 ch.344) allows parties acting in a fiduciary or representative capacity with regard to real property to bring proceedings to establish their powers; this too is a proceeding against all whom it may concern.

A somewhat similar statute of Maryland ('06 ch.373) relates to both real and personal property. A provision in another Maryland statute ('06 ch.534) to the effect that a power of sale given to a trustee, executor etc. shall, unless otherwise expressed, follow the office into whosoever hands it may come, likewise tends to facilitate the transfer of lands; so does the act of Arkansas of 1905 (ch.337) providing for the release of inchoate dower right of an insane wife, containing careful safeguards securing her expectant

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<sup>1</sup> See also Governors Messages and Index of Legislation, 377.

rights in the proper share of the proceeds of sale, and thus avoiding the constitutional difficulty which proved fatal to an act of New Jersey passed with a similar purpose (53 N. J. Eq. 96).

New Jersey ('06 ch.24) provides that upon the death of the trustee of a passive trust, the Orphans Court may authorize his executor or administrator to execute the proper conveyance to the beneficiary. Massachusetts ('06 ch.73) allows an executor or administrator with the will annexed (formerly only an administrator) to apply to the Probate Court, upon notice to the parties interested or with their consent, for license to sell real estate of the testator for purposes of distribution, unless the will otherwise provides. Such power is generally given only to provide for payment of debts; its exercise may be beneficial in saving the expense of partition proceedings.

In the matter of wills and succession attention may be called to the following:

New Jersey ('06 ch.162) makes the probate of a will after seven years conclusive evidence of its formal execution, with a saving for persons under disability, if there is a proper attestation clause and one attesting witness testifies that the will was signed by the testator; the novel feature of this legislation seems to lie in the important effect which it attaches to an attestation clause.

South Carolina ('06 ch.95) establishes rights of intestate succession between an illegitimate child and the mother of such child, but does not include the kin of either in such right of succession. As between thus limiting the right of succession and extending it to the next of kin, the states having statutes upon the subject seem to be about evenly divided. In the absence of a statute, the common law recognizes no relationship, and consequently no rights of intestate succession, between an illegitimate child and either of its parents, while under the civil law the natural tie between mother and child has always had legal recognition.

The power of eminent domain may under a constitutional amendment in Washington be exercised for rights of way for mining, milling, manufacturing, irrigation and lumbering purposes, and the provisions of the Virginia law are extended to the damaging (in addition to the taking) of property ('06 ch.257). The statute of California ('06 ch.50) allowing the condemnation of plants of title companies has already been referred to; it presents an altogether novel application of the power of eminent domain, but there seems to be no judicial authority against its constitutional validity.

## CONTRACTS AND OBLIGATIONS<sup>1</sup>

JOHN B. SANBORN PH.D., ATTORNEY AT LAW, MADISON, WIS.

The amount of legislation under this heading during 1906 is even more meager than usual. No state has adopted a negotiable instruments law and there is no legislation relating to torts. The ordinary private contract is outside of the current of modern legislation, which is concerned at present largely with corporate regulation. One noticeable feature of the legislation relating to contracts, however, and one which may be ascribed to a considerable extent to the agitation of the last few years over graft and corrupt practices, is the number of acts aimed at the prevention of fraud. Laws of this kind form the greater part of the legislation of 1906 upon the subject of contracts. It would of course be improper to call this movement a modern one, unless unmindful of the statute of 50 Edward III entitled "Fraudulent Assurances of Lands or Goods to deceive Creditors shall be void," followed as it was by many laws regarding fraudulent conveyances. Whether we consider these new laws signs of a moral awakening or as "fantastic legislation," to use the language of Judge Werner, depends much on the point of view.

**Restoration of lost documents.** The great disaster at San Francisco has been the occasion for the enactment in California of laws for the reestablishment of documents lost by conflagration or other public calamity. One of these ('06 ch.53) allows any public board whose records show the issuance of a certificate to issue a duplicate thereof when it appears by affidavit that the original was lost as the result of such calamity. Another act amending the Civil Code ('06 ch.64) provides for an action by any person interested in any private document which was so lost to establish and compel its reexecution. If the document was negotiable a bond is required indemnifying against any lawful claim thereon.

**Innkeepers liability.** Virginia ('06 ch.136) enacts a law defining the liabilities of innkeepers very much as they have been limited in other states, by providing for public posting of a copy of the act in the room and exempting from liability for valuables which are not deposited at the office. The total liability which is imposed upon an innkeeper is fixed at \$300 for baggage, \$500 for valuables

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<sup>1</sup> See also Governors Messages and Index of Legislation, 453.

and \$250 in case of fire, unless it clearly appears that the fire was caused by the negligence of the innkeeper.

**Sales of merchandise.** The growth of laws regulating sales of merchandise in bulk or otherwise than in the ordinary course of business is very noticeable in recent years; but accompanying this appears also a serious question as to their constitutionality, with very divergent views by the courts which have passed upon them. Both of these tendencies have been already discussed in previous Reviews, but the continued enactment of these laws and the difference of opinion as to their validity seem to permit of further comment.

Laws of this nature, beginning in Louisiana in 1896, have been enacted in 23 jurisdictions.<sup>1</sup> They have been declared unconstitutional in four states<sup>2</sup> and upheld in six.<sup>3</sup>

During 1906 the New York act ('02 ch.528) as it stood before its amendment ('04 ch. 569) was held unconstitutional in *Wright v. Hart*, 182 N. Y. 330, 75 N. E. 404. Following as far as it could the example of the Supreme Court of the United States when dealing with constitutional questions, the Court of Appeals stood 4 to 3. The divergent opinions of Judges Werner and Vann give an excellent presentation of both sides of this question. In the course of the majority opinion, Judge Werner, commenting upon the remarkable development of this class of laws, says: "Statutes that are passed pro bono publico rarely sweep the country with such irresistible momentum while much fantastic legislation has resulted in the organized crusades upon Legislatures by the advocates and supporters of special classes." He also characterizes the law in the language of Judge Peckham as one "meant to protect some class in the community against fair, free and full competition of some other class; the members of the former class thinking it impossible to hold their own against such competition and therefore flying to the Legislature to secure some enactment which shall operate favorably to them or unfavorably to their competitors." Some objection is made to the law upon the ground that it is class legislation as affecting only merchants. But the main ground upon which the decision is based

<sup>1</sup> California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, New York, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington and Wisconsin.

<sup>2</sup> Indiana, Ohio, New York and Utah.

<sup>3</sup> Connecticut, Massachusetts, Michigan, Oklahoma, Tennessee and Washington.

is the unreasonableness of the restrictions whereby the sale is prohibited unless a complete inventory showing cost price of each article is made at least five days before the sale and every creditor disclosed by inquiry of the vendor notified personally or by registered mail of the cost price of the merchandise to be sold and the price to be paid. These restrictions are considered by Judge Werner as being so onerous as to practically prohibit the making of a sale in bulk of any magnitude. On the other hand, Judge Vann regards the restrictions as reasonable and intended only to prevent the fraudulent disposition of stocks of goods upon which credit has been obtained. A difference of opinion as to what is reasonable results almost entirely from a mental attitude and is one which no reasoning can reconcile. Judge Vann also calls attention to the numerous laws restricting the freedom of contract which have been sustained by the courts. The amendment to the New York law ('04 ch.569) which makes such a sale only presumptively fraudulent is mentioned by Judge Vann but its effect is not commented on.

This amendment may very well be considered as removing the constitutional objection that there is deprivation of property without due process of law for the amended act only lays down a rule of evidence, but the New York law would still remain open to the objection stated by Judge Werner that the act is class legislation. In view of the concurring opinion of Judge Haight, however, emphasizing the fact that the sale is made absolutely void even though the parties act in good faith, the status of the present New York law on the subject may be considered as doubtful.

The laws of the various states on this subject differ widely in their provisions, and the constitutionality of those where the question has not been raised may depend upon whether the sale is absolutely or only presumptively void, whether a penalty is attached for failure to comply, and whether judicial sales are included. The decisions declaring such laws unconstitutional which have been discussed in previous Reviews depended in Ohio and Utah somewhat upon the fact that a sale contrary to the act was absolutely void, although in both those states the decision was also placed upon the ground of class legislation, the laws being applicable only to merchants. In Indiana, as noted last year, the law made the sale only presumptively void but contained an unusual classification and the decision was placed upon this ground. Acts making the sale absolutely void have been sustained in Massachusetts (*Squire & Co. v. Tellier*, 185 Mass. 18, 69 N. E. 312, 102 Am. St. Rep. 322); Michigan (*Spurr*

*v. Travis*, 108 N. W. 1090), and Washington (*McDaniels v. Connelly Shoe Co.*, 30 Wash. 549, 71 Pac. 37, 60 L. R. A. 947, 94 Am. St. Rep. 889). Laws making the transaction presumptively fraudulent have been sustained in Oklahoma (*Williams v. Fourth National Bank*, 82 P. 496, 2 L. R. A. (N. S.) 334) and Tennessee (*Neas v. Borches*, 109 Tenn. 398, 71 S. W. 50, 97 Am. St. Rep. 851), but no emphasis was placed upon this feature of the law in either of those states. The decision in Tennessee is rendered by a court divided against itself, as the judge who delivers the opinion of the court sustaining the law also writes a much more elaborate dissenting opinion holding it unconstitutional, and the reasoning is rather unsatisfactory on this account. The Connecticut act providing for the recording of the sales is much less drastic than most of the other laws on the subject. It has been held not to be objectionable as class legislation although only sales by merchants are included (*Walp v. Mooar*, 76 Ct. 515, 57 Atl. 277; *In re Paulis*, 144 Fed. 472).

South Carolina ('06 ch.1) requires an inventory at the ruling wholesale price; notice to creditors showing the aggregate value of the inventory, the purchase price and the manner of payment must be given 10 days before the sale, and the inventory retained for six months by the vendor and purchaser who shall keep it open to the inspection of creditors. A sale contrary to the act is *prima facie* fraudulent, and the creditors are given a lien upon the goods. No exception is made of judicial sales.

In Maryland ('06 ch.421) the previous law upon the subject ('00 ch. 579) is entirely rewritten. The inventory is dispensed with and the purchaser is required to demand five days before the payment of the purchase price a written statement under oath, giving the names and addresses of all creditors with the amount of indebtedness, and to notify personally or by registered mail all of such creditors. The sale is now absolutely void, while it was formerly only *prima facie* fraudulent.

In view of the great divergence of judicial opinion on this subject and the peculiarities of individual laws the position likely to be taken by other courts upon this question is very doubtful. There is much to be said both for and against the constitutionality of such laws and as to the effect of particular differences. As class legislation and due process of law may both be made grounds of objection under the federal Constitution it is not unreasonable to expect that the question may be presented for decision to the Supreme Court of

the United States. If that court should hold the legislation unconstitutional as a deprivation of equal protection of the laws, it would affect probably all of the laws now in existence, while if the decision were based upon the lack of due process of law the effect would depend entirely upon the reasoning of the opinion. If, however, the court should hold such laws valid it would of course be very persuasive upon state courts which had not already passed upon the question but would not affect the decisions in those states which have held the laws unconstitutional. The question is one of considerable interest and illustrates very well the uncertainty of decision where questions of class legislation or due process of law are concerned.<sup>1</sup>

**Business names.** Another illustration of the attempt to prevent possible fraud by the prohibition of a practice hitherto regarded as perfectly honest by most people is seen in the enactment of two laws regulating the carrying on of business under an assumed name. In Kentucky ('06 ch.83) no one is allowed to so transact his business unless he file in the office of the county clerk a certificate showing his business name and his real name and address. These are to be indexed by the clerk. The law does not apply to corporations or prohibit the use of partnership names which include the real name of at least one of the partners.

The act of New Jersey ('06 ch.240) is exactly the same as the Kentucky law except it prohibits the use of the designation "and company" as a part of the firm name unless a statement is filed with the county clerk showing the names of all the persons who are members of the partnership. In both states the violation of the law is made a misdemeanor.

**Commissions.** In the Review for 1905 I noted a considerable number of enactments intended to prevent the acceptance of commissions by agents. Virginia ('06 ch.260) has a law very similar to those referred to, whereby the acceptance of a gift or commission by an agent or servant with the intention of influencing his actions in regard to his employer's or master's business is prohibited, as is the acceptance of commission by one who purchases supplies or materials for another. Violation of the law is made a misdemeanor and immunity from prosecution is given those who shall testify concerning violations of the law.

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<sup>1</sup> For an excellent discussion of these laws see the opinion of Referee Banks adopted as the decision of the court in the case of *In re Paulis*, 144 Fed. 472; also note to 2 L. R. A. (N. S.) 331.

The effect of this and other similar laws may be far-reaching. Just what practices are included in them is somewhat doubtful and I have seen no judicial construction of any of these acts. They undoubtedly cover much that has been somewhat prevalent in the case of agents and servants—the receiving of pay from both parties to the transaction contrary to the legal and moral principle that no man can serve two masters. They also strike less directly at the practice of some professional men of taking fees in return for a recommendation to their client of a particular service, such as the favoring by an architect of a certain contractor or make of fixtures, or by a lawyer of a particular title company. Their efficacy in the eradication of acts at which they are aimed may, however, be questioned. Corrupt practices of this nature are illegal at common law and subject the participants to the danger of an action for deceit. The difficulty has always been to discover the fraud and this difficulty is not materially lessened by the new laws. While most of them offer immunity to the party who may testify, yet formerly when the act was not a crime testimony concerning it could be compelled in a civil action. The laws seem to be better adapted for the prevention of the petty grafting which was too small to make a civil action pay for the trouble and expense involved. Their practical effect will be watched with interest and may throw some light upon the question of how far men can be made good by legislation.

**Interest.** Two California laws of 1905 relating to chattel loans have been declared unconstitutional by the Supreme Court of that state in *Ex parte Sohncke*, 82 Pac. 956. One of these ('05 ch.550) is invalid because it imposes an absolute penalty of \$100 for violation of its provisions by an individual but only a penalty *not exceeding* \$100 by any officer or employee of a corporation violating the law; the other ('05 ch.354) is held class legislation because it applies only to loans upon certain enumerated chattels and does not include a number of very similar chattels which are subject to mortgages.

The only recommendation regarding contracts and obligations found in governors' messages is that of Governor Vardaman of Mississippi, suggesting that the usury rate be reduced to 8% as "being as high a rate as good legitimate business can afford to pay, good public policy permit, or conscience consent to."

**Negotiable instruments.** Although no state has adopted the negotiable instruments law we find some legislation upon general features of this subject. In Virginia ('06 ch.132) the common



law rule as to the revocation of a check by the death of the drawer is changed so that the death does not operate as such revocation if the check be presented for payment within two weeks thereafter. Any bank or banker having notice of death of depositor is required to retain moneys on deposit for one month and pay any checks which are presented within the two weeks.

In recent years there has been a tendency to require that notes given for certain transactions which are apt to be tainted with fraud have the subject of the transaction written across their face and are then nonnegotiable. Such laws usually include notes given for patent rights. The law of Wisconsin on this subject ('01 ch.268, '03 ch.438) has been declared unconstitutional in the case of *Clark Co. v. Rice*, 106 N. W. 231, so far as it affects the question of patent rights, as an imposition by the state of a restriction on a right given by the federal Constitution.

**Suretyship.** By an act of Maryland ('06 ch.270) any person who is required to give a bond may arrange with his surety for a deposit of all moneys and property for which he was responsible in such a way as to prevent the withdrawal of such money without the consent of the surety or an order of the court on notice to the surety.

## THE FAMILY<sup>1</sup>

AMASA M. EATON, PRESIDENT OF THE CONFERENCE OF COMMISSIONERS  
ON UNIFORMITY OF LEGISLATION

The year 1906 being one in which but few Legislatures met, we find only 16 statutes passed relating to the family. Of these Maryland enacted three, New Jersey three, Louisiana two, Massachusetts two, Ohio two, Virginia two and Kentucky and the District of Columbia one each. Not one of these seems to have been included as recommended in any governor's message and some of them are of such a nature as to suggest that they are the result of legislation enacted to meet some particular case.

**Marriage.** Louisiana ('06 ch.180) makes it a misdemeanor for persons between whom marriage is prohibited on account of relationship within prohibited degrees, to return to Louisiana to reside permanently after having contracted marriage in another state, without having first acquired a domicile in such state, and prescribes penalties.

In Maryland ('06 ch. 766) in addition to the statements already required to be made under oath by any applicant for a marriage license, a statement is required under oath as to whether the applicant was ever divorced.

Virginia ('06 ch.250) enacts that the courts of any county may appoint residents of their county, city or district, with power to celebrate the rites of marriage.

**Divorce.** Louisiana ('06 ch.150) provides that where the second marriage has been contracted in Louisiana and the defendant has left the state, an attorney to represent him shall be appointed by the court.

Maryland ('06 ch. 765) provides that one who has obtained a divorce a mensa, on the ground of abandonment, not of the kind and character specified in Code, article 16, section 36, shall not be estopped thereby from subsequently obtaining a divorce a vinculo, on the ground of abandonment.

Ohio ('06 p. 142) provides that no clerk of any Court of Common Pleas shall receive or file a petition for divorce or alimony until the costs are prepaid or security given therefor, satisfactory

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<sup>1</sup> See also Governors Messages and Index of Legislation 474.

to the clerk, with a proviso for the waiver of prepayment of costs or security therefor, upon affidavit of inability to do so, approved by the judge.

**Family property.** Maryland ('06 ch. 768) provides for restraining married women from pledging their husbands' credit and prohibits tradesmen, etc. from maintaining actions against husbands upon purchases and contracts made by wives and provides a penalty for making such claims where such wives are being reasonably supplied by their husbands.

Massachusetts ('06 ch. 129) provides that the Probate Court, upon petition of a husband, or if he is insane, upon petition of his guardian or next friend, may enter a decree that such husband has been deserted by his wife, or that he is living apart from her for justifiable cause; and thereafter he may convey his real estate as if he were sole and the surviving wife shall not be entitled to waive the provisions of a will made by him under Revised Laws, chapter 135, section 16.

But it is questioned whether the act is constitutional, as the wife is given no day in court to answer the petition. Is she not deprived of her right of dower without due process of law?

**Property rights of married women.** New Jersey ('06 ch. 248) provides that any married woman may maintain an action in her own name without joining her husband, for all torts committed against her or her property as if she were a feme sole; but this shall not take away any right of action at law or in equity now provided for such torts.

**Support of family.** Kentucky ('06 ch. 31) makes it a misdemeanor for any adult resident having a destitute parent within the state to neglect to provide such parent with necessary food, etc.

Massachusetts ('06 ch. 501) provides a penalty of not more than \$100 or imprisonment for not more than six months for neglect to provide for the support of a wife or minor child or children, or for actually abandoning or leaving them in danger of becoming a public burden, with provision for placing such delinquent upon probation.

New Jersey ('06 ch. 160) authorizes the Court of Chancery to apply two thirds of the surplus annual income of any idiot, lunatic or person of unsound mind, upon bill or petition, for the support, maintenance or education, for three years, of the parents, brothers or sisters of the whole or of the half blood of

such idiot, etc. who are without adequate means and are dependent upon the bounty of others. Query, is this constitutional? If an idiot can thus be deprived of two thirds of his annual income for three years, could he not also be deprived of the whole of it forever?

Ohio ('06 p. 98) exempts a child from the necessity of providing for support of a parent, when such parent abandoned such child while an infant under 16.

In the District of Columbia, U. S. '05-'06, ch. 66 makes it a misdemeanor to abandon or wilfully neglect to provide, etc. without just cause, for the support of wife or children in destitute circumstances, and provides for the placing of the delinquent on probation, directing payment of a certain sum weekly, for one year, for such support, with or without recognizance, as the court may direct.

**Adoption of adult.** Virginia ('06 ch. 186) authorizes any unmarried inhabitant of the state, or a husband and wife jointly, to petition the county, city or Circuit Court for leave to adopt an adult, not their child, with the consent in writing of such person, and to change his or her name. The court may grant such petition, but on the decease of such adopted parent and the subsequent decease of such adopted person without issue, the property of such adopted parent undisposed of, shall descend to his or her next of kin and not to the next of kin of such adopted person. No property which, by any will or other writing, would go to the child or heir of a person so adopting an adult, shall go to such adopted adult, unless the fee simple first vested in the person so adopting said adult.

Together with a marked tendency in some of these statutes towards that increased humanitarianism that is a marked characteristic of our times, there is also a tendency towards the establishment of equal legal rights, irrespective of sex.

*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 331

**TRANSPORTATION AND COMMUNICATION<sup>1</sup>**

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During the period covered by this review 92 statutes relating to transportation and communication were enacted by American states. This is only about two fifths of the number that were enacted in the preceding year, but it should be remembered that in 1906 regular sessions of the Legislature were held in only 13 states. Of these, all but Rhode Island made more or less important additions to the body of American transportation law, to which extra legislative sessions in Pennsylvania and Wisconsin also contributed. Of these statutes 52 related primarily to railroads, 21 to street railroads, 2 to express companies, 11 to bridges, 2 to telegraphs and telephones, 2 to canals, and 2 to ferries. One half of the laws were enacted by six states, Massachusetts contributing 14, New Jersey 11, South Carolina 10, Arkansas 8, Ohio 7. Among the more important measures of the year may be mentioned the new Ohio railroad commission law, the passenger rate legislation in Ohio, Maryland and Virginia, the Ohio safety appliance law, the inclusion of express companies in the scope of the supervisory powers of the Massachusetts Board of Railroad Commissioners, the changes in the powers of the New York city board of rapid transit commissioners, and the granting of supervisory powers over telegraph and telephone lines to the Massachusetts Highway Commission.

**Railroads**

Nearly one half of the railroad legislation of the year related to such matters as rates and services and the powers of commissions. The other statutes were distributed about evenly between provisions for public safety, regulations of damage claims, conditions of incorporation, and miscellaneous provisions.

**Commissions.** The only new railroad commission established by the legislation of the year was that of Ohio ('06 p.342). Since

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<sup>1</sup>See also Governors Messages and Index of Legislation, 1200.

1867 Ohio has had a commissioner of railroads and telegraphs, with limited powers. The new law abolishes this office and establishes the "Railroad Commission of Ohio" composed of three members, appointed by the Governor for a term of six years. One of the appointees is to have a "general knowledge of railway law," the other two are to have "a general understanding of matters relating to railroad transportation," while no more than two are to be members of the same political party. The commissioners are to devote their time to the duties of their office, and are to hold no other public office, nor serve on the committee of any political party. These qualifications (except the provision for a bipartisan commission) are similar to those stipulated in the Wisconsin commission law of 1905. In fact the Ohio statute seems to have borrowed many provisions from the Wisconsin law, although it is in general similar to other recent laws establishing commissions — all of which seem to have been affected in many points by the discussion preceding the adoption by Congress of the Hepburn law, increasing the powers of the Interstate Commerce Commission. The carriers subject to the provisions of the act include railroad corporations, express companies, car companies, freight and freight line companies, all common carriers over railroad lines, or part rail and part water lines, and the owners of private tracks "in so far as the same are used by common carriers, in connection with any railroad for the transportation of freight." Sleeping car companies, street and electric railroads engaged solely in the transportation of passengers within the limits of cities, and private railroads not doing business as common carriers are specifically exempted.

Like other laws of the kind, the Ohio statute comprises two distinct classes of provisions: one class makes certain requirements of the carriers and imposes penalties for the violation of the same; the other class confers powers and imposes duties upon the commission. The carriers are required to furnish reasonable facilities and services and to charge reasonable rates. Unjust discrimination between shippers, localities or kinds of traffic is prohibited, penalties for violation of this provision being imposed on both corporation and agent. Rebates are punishable by penalties, as well as punitive damages to the amount of treble the amount of injuries. Schedules of rates, fares and regulations are to be printed in a form prescribed by the commission, and filed in the office of the commission and in all stations. Changes from this schedule are not allowed without 10 days' notice except by special permission of the commission. The schedules are to include all concentration, commodity, transit and

other special contract rates, together with joint rates. All roads within the state must use a uniform freight classification. Free transportation or reduced rates are prohibited save in special cases mentioned in the statute. In case of car shortage, cars are to be distributed proportionately among all applicants, without regard to competitive conditions, although special facilities may be given to shippers of live stock and perishable freight.

The new commission succeeds to all the powers of the Commissioner of Railroads and Telegraphs — whose effective powers were very few, including, however, the right to order repairs to track and bridges, and to require certain reports from railroad and telegraph companies (R. S. '00 ch.7). The commission is to supervise the enforcement of all the railroad laws of the state, to investigate violations, and to request the Attorney General or prosecuting attorney to prosecute. The commission may investigate and make a special report with regard to claims for loss, damage or overcharge, if the same are not acted upon within 90 days by the railroad. For the purpose of inquiry into the management of railroads, the commission is to use blanks conforming as nearly as possible to those of the Interstate Commerce Commission. For this purpose it also has the right to inspect books, to obtain copies of contracts, and to examine officers and employees under oath. Railroads are required to file annually with the commission a verified list of all tickets, passes or mileage books issued free. In addition the commission is to obtain annual reports from all railroad companies, similar in form to those furnished to the Interstate Commerce Commission.

Of especial public interest at the present time are the provisions relating to rate control. Hearings in the matters of unjust rates or inadequate services may be held upon complaint or at the initiative of the commission, after 10 days' notice to railroad and complainant. In connection with the hearings the commission has the power to administer oaths, issue subpoenas, and to compel the attendance of witnesses and the production of documents. If the complaint is found to be reasonable the commission has the power to fix new rates, classifications or regulations. Orders of the commission are operative 30 days after service, and may be rescinded or altered by the commission only after another hearing. Within 60 days of the commission's order the railroad or other party in interest may commence an action in the Court of Common Pleas to set aside the order of the commission as unlawful and unreasonable. Answer may be filed by the commission and (by permission of the court) any party in interest. The burden of proof is upon the complainant. Such

actions take precedence of any other kind of civil cause. If new evidence is introduced the commission may rescind or modify its order; in the latter case the judgment of the court will be rendered on the order as amended. Appeal may be taken to a higher court. Witnesses before the commission or the court are not to be excused from testifying on the ground that the evidence may incriminate them, but no witness is to be subject to prosecution on account of the matter concerning which he has testified. All rates, fares and classifications prescribed by the commission are *prima facie* lawful for the period of one year, while all regulations, practices and services prescribed by the commission are *prima facie* reasonable, no time limit being set.

Nebraska adopted at the general election of 1906 a constitutional amendment providing for an elective railway commission of three members, with rate-making powers. Georgia ('06 p.100) took a step not in harmony with present tendencies by providing that the railroad commission of that state, heretofore appointed by the Governor, should henceforth be elected by the voters of the state. Iowa ('06 ch.38) changed the tenure of office of the railroad commissioners of that state from three to four years. Kentucky ('06 ch.85) increased the salaries of the commissioners from \$2000 to \$3000 and \$3600; required the railways to furnish free transportation to the commissioners, and authorized additions to the clerical force. Louisiana ('06 ch.195) authorized its commission to appear before the Interstate Commerce Commission, when in its judgment the interests of shippers or consignees in the state require it. Massachusetts ('06 ch.417) increased the salary of its commissioners to \$5000 and (chairman) \$6000. The same state ('06 ch.267) provided that block signals are to be installed upon the order of the board of commissioners, the Supreme Judicial Court having jurisdiction in equity to enforce such orders. The board is also authorized ('06 r.54) to expend \$2500 in the investigation of railroad safety appliances, the expenses to be assessed upon steam railroads, in proportion to their gross earnings. The South Carolina commissioners ('06 ch.8) may require the erection of depots at such places as the travel and public interests in their judgment may justify. Virginia ('06 ch.256) required the state corporation commission to fix a schedule of passenger rates. Wisconsin ('05 ex. sess. ch.13) made some important additions to the railroad commission law of that state ('05 ch.362). The most significant is, possibly, the power given to the commission to prescribe a uniform system of accounts, the only condition being that such system shall conform as nearly as prac-



ticable to the accounts kept by federal authority. The provisions of the law pertaining to complaints and investigations are extended to services as well as rates. The commission is also empowered to order (upon complaint and after hearing) the installation of gates, flagmen, signals, etc. This provision is in accordance with a recommendation in the message of Governor LaFollette of December 5, 1905. It is also stipulated that in interchange of traffic, railroads shall switch for a reasonable compensation. The list of cases in which reduced rates or free transportation may be given is extended.

The present status of state railway commissions in the United States (including the Nebraska commission, authorized by constitutional amendment) and the changes made by recent legislation are indicated in the following table:

	1904	1905	1906
Number of commissions.....	31	33	34
Possessing power over rates.....	21	24	26
Appointed by Governor.....	11	13	12
More than one member.....	25	28	30

**Rates. Charges. Weights.** The only maximum freight rate law of the year was enacted by Maryland ('06 ch.472½), prohibiting a charge of more than 2 cents a gallon for receiving, hauling, icing and delivering milk and cream, when the distance is less than 30 miles, or 2½ cents a gallon when the distance is between 30 and 50 miles. The rates on buttermilk and skim-milk are to be ½ cent lower. South Carolina ('06 ch.75) permits consignees of coal or other articles in carload lots to demand reweighing of same at any delivery point where the carrier maintains track scales, demurrage not to be charged on account of the time thus used. In this connection the carriers are required to provide track scales on industrial side tracks, upon demand of and at the expense of the owners of the establishments concerned. The Washington statute ('05 ch.124 § 2) mentioned in last year's review, requiring 1000 pounds to be deducted from the net weight of shipments of lumber on account of the appliances used in equipping cars to carry lumber, was declared unconstitutional (*State v. Great Northern Ry. Co.* 86 P. 1056) as taking property without due process of law.

**Service.** Laws relating to such matters as the character of railway service, station facilities and the collection of damages constitute an especially large proportion of the railway legislation of Southern States. Two South Carolina statutes ('06 ch.65, 73) may be classed under the first of these heads. The carrier is not to interfere in any way with the contract of shipment; in furnishing cars

the carrier can not designate the consignee, the carrier being liable for actual, special and punitive damages to the shipper and the consignee. Railroads are also required to furnish shippers full information regarding the shipment, movement and delivery of live stock, including telegraphic information if more than three hours behind the schedule. Virginia ('06 ch.301) requires every common carrier to receive and receipt for freight delivered for shipment during business hours, exceptions being made in the case of live stock, lumber, perishable freight, or freight requiring special cars. The United States Supreme Court decided (*Houston and Texas Central Railroad v. Mayes*, 201 U. S. 321) that articles 4497-5000 of the Revised Statutes of Texas are void, being in violation of the federal Constitution. The court said: "An absolute requirement that a railroad engaged in interstate commerce shall furnish a certain number of cars on a specified day, to transport merchandise to another state, regardless of other considerations except strikes and other public calamities, amounts to a burden on interstate commerce, and can not be sustained as an exercise of the police power of the state."

**Stations.** Arkansas ('05 ch.194) compels any railroad passing through a city or incorporated town within  $\frac{1}{2}$  mile of the state boundary line to erect a depot and stop all passenger trains, unless there is a depot within 300 feet of the other side of the line at which all passenger trains stop. A Georgia statute ('06 p.101), which applies only to county seats and towns and cities of over 1000 population, requires that stations shall be opened, lighted and warmed at night, for at least one hour before and one half hour after the arrival and departure of trains. Virginia ('06 ch.298) requires railroad companies to maintain telephones in their public offices, where "prompt and correct replies" shall be made to "all reasonable and proper inquiries." A South Carolina law ('06 ch.52) prohibits the furnishing of meals to white and colored passengers in the same room of station restaurants.

**Passenger rates.** In no less than nine states there was agitation for laws enforcing lower passenger rates, although in only three states were such laws finally passed. Ohio, after a discussion which attracted widespread attention, reduced ('06 p.4) the legal maximum (R. S. § 3374) from 3 cents to 2 cents a mile, the maximum distance for which the legal rate does not apply being reduced from 8 to 5 miles. As stated above, the State Corporation Commission of Virginia is required to fix a schedule of passenger rates; in the meanwhile it is provided ('06 ch.256) that the railroads of that state are to issue mileage books in units of 500 miles and over at the maximum

rate of 2 cents a mile. The mileage is good for one year from date of issue and is redeemable within 18 months of the expiration of the time limit. Maryland ('06 ch.174) requires the sale of 500 and 1000 mile books at the maximum price of 2 cents a mile. The mileage is good until used and is transferable between members of a family, or members or employees of a firm. South Carolina ('06 ch.34) did away with one of the survivals of the "toll" principle in railway charges by prohibiting companies from charging passengers extra for crossing a bridge on any river, whether wholly or partly within the state.

**Passes.** Iowa ('06 ch.90) prohibits steam or interurban railways from granting passes or special rates to public officers (certain exceptions being mentioned in the statute) and makes the acceptance of the same unlawful. Oregon voted at the general election of June 4, 1906, on an act proposed by initiative petition, prohibiting free passes and discriminations by railroad companies and other public service corporations. Although the law passed, it was considered of no effect, the enacting clause being omitted. Texas rejected a proposed amendment to the Constitution prohibiting the acceptance by public officers of privileges from telegraph or telephone companies or common carriers.

**Public safety.** As is usual, most of the statutes that can be classed under this heading relate to grade crossings. Arkansas ('05 ch.36) stipulated that the maximum grade of a street or road at the approach to a crossing with a steam railroad should be 10% (formerly 20%). New Jersey ('06 ch.301) included incorporated towns with cities in the provisions of a law ('03 ch.257) prohibiting grade crossings except with the consent of the municipal authorities. The board of rapid transit commissioners of New York city were directed by a state enactment ('06 ch.109) to prepare a plan for the removal of the grade tracks of steam railroads to subways. If the commissioners and the railroads do not agree on plans within 12 months condemnation proceedings may be used. Ohio ('06 p.191) provided that before the installation of grade crossings ordered by municipal authorities, notice should be given to the owners of abutting property so as to permit the filing of claims for damages. The same statute gives municipalities the right of action against street railway companies for their proportion of the expense of making such improvements. The Supreme Court of Errors of Connecticut decided (Appeal of Spencer, 61 A. 1010) that the Superior Court can not substitute its own plans for crossings for those of the Board of Railroad Commissioners without usurping extrajudicial functions.

The provisions of the general statutes relating to the abolition of grade crossings (§ 3718, 3747) are (in so far as they authorize such action on the part of the court) unconstitutional.

The provisions of the Massachusetts law (R. L. ch. III § 211) requiring safeguards against fire to be placed in cars, were extended ('06 ch. 283) to all passenger, baggage, mail and express cars, whether containing heating apparatus or not. Ohio ('06 p. 75) enacted a new safety appliance law (Cf. R. S. § 3365) requiring that locomotives and 75% of the cars in a train be equipped with power brakes. This percentage may be increased at the discretion of the Railroad Commission. Automatic couplers, drawbars and grab irons are also required. In addition to penalties for violation, it is provided that contributory negligence shall not be set up as a defense in case of injury to employees on cars not equipped according to law.

**Damages.** An Arkansas statute is designed to facilitate the collection of small damage claims ('05 ch. 144). If the amount does not exceed \$10, collection may be made from the agent at destination, provided that an itemized statement, verified by affidavit, is presented within three days after the goods are received. If payment is refused, damages may be recovered for treble the claim. Georgia ('06 p. 102) makes every carrier receiving property for shipments within the state liable for loss or damage on connecting lines as well as on its own. The time limit for payment of damages on intrastate shipments is fixed at 60 days; on interstate, at 90 days. The penalty for exceeding these limits is \$50 and legal interest. Iowa ('06 ch. 89) allows suit against joint carriers to be brought in any county through which the shipment passes, providing the owner lives in such county (amending '04 ch. 74). South Carolina enacted in 1902 (ch. 568) a statute making common carriers liable for the conversion to their own use of property held by them on consignment or in course of transportation. The liability extended only to the value of the property, but is now ('06 ch. 66) reinforced by a penalty of five times the value, which, however, does not apply in case of wrecks, property so damaged as to unfit it for its own purpose, or delivery by error to the wrong consignee. Virginia ('06 ch. 62) amended its former law on this subject (Code '87 § 1295) so as to make the carrier liable for safe carriage to point of destination, when the carrier selects the route beyond its own lines—the alternative being a written contract, setting forth all the connecting carriers in order, the transfer points, and the amount of freight to be received by each carrier.

**Incorporation and general powers. Consolidation.** Massachusetts ('06 ch.463) codified the existing railway law of that commonwealth. Arkansas ('05 ch.163, 268) gave mining or quarry corporations the right to operate short railway lines, conferring on them the rights and powers of other common carriers, including eminent domain. Maryland ('06 ch.717) added a new section to its general railway law, authorizing Maryland railroad corporations to use electricity as a motive power. New Jersey ('06 ch.141) amended its law relating to railway mergers ('03 ch.257) by permitting New Jersey railroad corporations to take leases of railroads owned by corporations of other states. Virginia ('06 ch.296) amended its general incorporation law ('03 ch.270) so as to include federal corporations among those with which the merger of Virginia corporations is permitted. Roads competing between points in the state are not allowed to consolidate, although, if the State Corporation Commission consents, a Virginia railroad may lease or buy the incompleted properties of another railroad, no part of whose line is yet in operation. It is provided, however, that the assent of the commission is not to be given if the proposed consolidation is adjudged to prevent competition. In the case of roads whose securities are held in part by the state, legislative action is also necessary.

**Construction. Eminent domain.** Idaho rejected the constitutional amendments mentioned in last year's review, which were intended to encourage the construction of railroads by permitting localities to incur indebtedness in order to give bonuses to railroads, and by permitting the temporary exemption of new lines of railroad from taxation. Louisiana ('06 ch.186) authorized parochial and municipal authorities (excepting the parish of Orleans) to issue bonds against the proceeds of special taxes voted in favor of railway enterprises, the bonds maturing annually. Kentucky ('06 ch.91) authorized union station companies to condemn land for their purposes. A North Carolina statute ('87 ch.46) was declared invalid by the Supreme Court of that state (*Cozad v. Kanawha Hardwood Co.* 51 S. E. 932) in so far as it authorized owners of timber lands to condemn a right of way for a tramway or railway over the land of others, in that this takes private property for a use which is not public.

**Miscellaneous.** Statutes enacted in New York ('06 ch.380) and Kentucky ('06 ch.62) provide for special railroad police, to be appointed by the Governor and paid by the corporation. In New York such appointments may be given to conductors and brakemen.

Maryland ('06 p.1423) provided for the appointment of four members of the Maryland bar to conduct inquiries regarding the rights and interests of the state in the Washington branch of the Baltimore and Ohio Railroad. These questions have arisen in connection with the construction of the new Washington terminals. A joint special committee is to inquire into the value of the stock held by the state of Maryland in the Washington branch.

### **Express companies**

Arkansas ('05 ch.250) compels express companies to settle for damage or loss within 20 days, the penalty being \$2 a day. Massachusetts gave the Board of Railroad Commissioners "supervisory power with regard to the character of accommodations and service furnished, and the reasonableness of rates charged" by express companies; this power to be exercised on complaint of an interested party. A Mississippi statute ('06 ch.135) specifies that as express companies are common carriers under the state Constitution, it shall be unlawful for any person or firm, except those duly chartered as express companies, to engage in the express business between points in the state.

### **Street and electric railways**

**Corporate powers. Franchises.** The Massachusetts general railway law ('06 ch.463) includes electric railways in its general provisions as to incorporation. Additional regulations, peculiar to electric roads, are contained in a separate statute ('06 ch.516). The power to decide to what extent electric railways shall act as common carriers is vested in the boards of aldermen or selectmen. In case of disputes as to rates between a board of aldermen and the directors of a road, the matter is to be settled by the Board of Railroad Commissioners. The statute also provides for an additional corporate franchise tax and local excise taxes. It may be noted that Governor Guild had, in his message of January 4, 1906, recommended the extension of general law to legislation affecting street and electric railroads. Another Massachusetts statute ('06 ch.339) authorized the mayor (by vote of the city council) or the selectmen (by vote of the town) to petition the Supreme Judicial Court for relief in case a street railway company discontinues the use of any track. An important special act is that of the same state authorizing the Boston Elevated Railway Company to construct subways in the city of Cambridge ('06 ch.520).

In Ohio, municipal councils can, with the consent of the owners of

a majority of the foot frontage, grant franchises to interurban roads for terminal purposes ('06 p.253). In case the street is already occupied by a street railroad the right to use the tracks may be acquired, if necessary, by condemnation proceedings. Interurban companies are expressly exempted from the provisions of the Ohio statutes (R. S. § 2501, 2502) ordering franchises to be sold by public competitive bidding to the corporation offering to make the lowest fares.

New Jersey ('06 ch.311) amended an older statute ('86 ch.135) so that municipal authorities are given power to grant franchises for extensions as well as for original locations of street railways. A former section prohibiting the granting of a franchise for a location within 1000 feet or two blocks of an existing company (except to cross the same) was stricken out. New Jersey now permits street railways to carry freight or express (prohibited by '96 ch.144) if the consent of the municipality is obtained ('06 ch.77). The councils of New Jersey boroughs are also authorized ('06 ch.194) to provide for the construction and operation of street railroads, not exceeding 1 mile in length, to and from the depot of any steam railroad within the limits of the borough. A petition signed by the owners of at least one half of the real estate within the borough and the approval of 60% of the voters at a special election are prerequisites. Tickets are to be sold in multiples of 10 at not more than 3 cents apiece. Construction is by contract; power may be contracted for, and the road may (by approval of the majority of the voters) be leased for a period of not over 5 years.

New York enacted an important law ('06 ch.606) amendatory to the act establishing the New York city board of rapid transit commissioners. Vacancies in this body, which was formerly self-perpetuating, are henceforth to be filled by appointments by the mayor. The act is designed to permit the separation of contracts for construction, equipment and operation of rapid transit railways. Reserve power is given to the city to construct, to equip and to operate. If the contract for operation is awarded to a private bidder, the term of such franchise is limited to 20 years, with a 20 year renewal clause. At present the New York subway is owned by the city, but leased to a private corporation for a period of 50 years, with the privilege of renewal under an amended contract for 25 years. The new law facilitates the municipal ownership, and possibly operation, of future subways.

Two New York statutes of 1901 (ch.494, 508) were declared unconstitutional by the Court of Appeals (*In re Brooklyn, Q. C.* and

S. R. Co. 77 N. E. 994). These statutes had provided that consent by the local authorities of any city, previously acquired by any street railroad corporation, should be deemed to be in full force and effect until December 31, 1903, and had also declared that section 5 of the railroad law ('90 ch.565), providing for the forfeiture of corporate powers by any railroad not beginning construction within five years of its incorporation, should not apply to any street railroad company incorporated prior to July 1, 1895, which had obtained the consent of the local authorities. So far as these statutes of 1901 related to railroad companies which had already forfeited their charter rights, they were held to conflict with the constitutional provision (art.3 § 18) that the Legislature should not authorize the construction of street railroads, except with the consent of the local authorities and the owners of one half the abutting property.

Virginia ('06 ch.296) gave to Virginia corporations, operating railroads by electricity, power to do a general electric lighting and power business.

**Public supervision.** An Arkansas statute ('05 ch.179) requires the installation of safeguards against the contact of the overhead wires of electric lines and the cars, track and telegraph line of steam railroad companies. The same state ('05 ch.331) requires the heating of street cars during cold weather. Massachusetts authorized the Board of Railroad Commissioners to expend \$2500 in testing fenders and other safety devices applicable to street cars, such expenditures to be assessed on the street railroad companies ('06 r.55). Another Massachusetts statute ('06 ch.479) admits the children in private as well as in public schools (R.L. ch.112 § 72) to the half fare privilege on street and elevated railroads. The same state extended the term of office of the Boston transit commissioners for three years from July 1906 ('06 ch.213).

**Separation of races.** Numerous laws relating to the separation of white and colored passengers on steam and electric railroads have been enacted in Southern States during the past few years. A Virginia law ('04 ex. sess. ch.609 pt 4), relating to cars operated by electricity, is now made more stringent ('06 ch.91). A Florida statute of similar purport ('05 ch.49) contained a clause exempting colored nurses in charge of white children or invalids from the provisions of the act. On this account the Supreme Court of the state held (*State v. Patterson* 39 S. 398) that the statute violated the first section of the 14th amendment to the federal Constitution.



### **Canals**

An Ohio statute confers the powers and duties of the Ohio Canal Commission on the Board of Public Works. The Canal Commission is to make a final report. The canal problem in Ohio had reached such a point that according to the message of Governor Herrick (January 1, 1906) it was necessary to face squarely the question of rebuilding the canals or abandoning them. The incoming Governor (Pattison) in his message of January 8 said that "As to the canals, it is right that we should take it for granted that to maintain them is the settled policy of the state. . . . The canals may be developed into a system of water highways adequate for transportation of freight in unbroken bulk at minimum rates between ports on the Great Lakes and ports on the Ohio, Mississippi, and the Gulf." It would undoubtedly be the opinion of most economic students that any attempts to carry out such a policy would result in failure.

### **Bridges. Tunnels**

New Jersey ('06 ch.201) authorized county boards to issue bonds for the purpose of constructing bridges on navigable waters, when required by the War Department or other department of the federal government. The same state ('06 p.737) and New York ('06 ch.260) arranged for committees to confer as to the construction of one or more bridges over the Hudson. Another New York statute ('06 ch.606) revises a law of that state ('91 ch.4 § 32) empowering the board of rapid transit commissioners of New York city to grant franchises for tunnels under the Hudson, Harlem or East rivers, and under the city. The amendment makes the approval of the Board of Estimate and Apportionment a prerequisite, and limits the scope of the law to tunnels built to connect with trunk line railroads.

### **Telegraphs and telephones**

An important Massachusetts law ('06 ch.433) gives the Highway Commission of that state general supervision over all companies engaged in the "transmission of intelligence by electricity." An additional requirement of members of the commission is that they shall not be connected with such companies; additional appropriations are made for expenses and salaries (to be met by the companies concerned in proportion to gross earnings); the commission is to make an annual report; public hearings are to be held upon the complaint of a mayor, selectmen or 20 customers; the Attorney General is to be

notified of violations of law; the Supreme Judicial Court and the Superior Court are given jurisdiction in equity to enforce all lawful orders of the commission; an annual report is required from each company, which must also furnish information to the commission on request, as well as give access to its books; uniform accounts are to be kept in form approved by the commission.

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REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 338

INSURANCE<sup>1</sup>

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During 1906 the Legislatures of the several states passed only 64 laws on insurance subjects, as compared with 169 laws during the year 1905. Of this comparatively small number of laws four states (Iowa, Kentucky, Louisiana and New York) contributed 37 or more than one half. The insurance legislation of 1906 does not, therefore, appear to have been very prolific if judged from the number of enactments.

But while the number of laws passed was small, the year 1906 will be long remembered as marking one of the most remarkable upheavals in the life insurance business, and the passage by the New York Legislature of the remarkable law of April 27 ('06 ch.326). This law may be said to contain the most revolutionary and drastic provisions for the regulation of life insurance corporations ever passed in this country. It embodies practically the whole field of life insurance, and was passed to prevent a repetition of the many evils disclosed by the Armstrong investigating committee. The disclosures during the investigation clearly showed that the management of some of the largest companies was marked by wastefulness, dishonesty and wreckless financiering, that under present laws the policy holders were largely unprotected, and that remedial legislation was required on every hand. The law of April 27 was designed to afford a remedy for all the abuses disclosed.

Because of its new provisions, its far-reaching effect and all inclusive character, this law will be the chief topic of discussion in this review, the object being to group its provisions under proper headings, and to show why their passage was recommended by the committee. Certain it is that this law is many times more important than all the other insurance laws of 1906 combined. Not only was this law passed in the wealthiest state of the Union, but it is the law of the state in which the largest American life insurance companies

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<sup>1</sup> See also Governors Messages and Index of Legislation, 1732.

are domiciled. Some of its important provisions are expressly applied to all foreign life insurance companies wishing to do business in the state of New York, and will, therefore, have a profound influence on foreign as well as New York companies. Such effects are already noticeable on every hand. There is every reason to believe that the New York insurance legislation of 1906 will make a deep impression on the rest of the country in the course of a few years, and will mark the beginning of a new era of legislation which will have for its aim the protection of policy holders as regards the quality of insurance sold and the vast sums of money held in trust by the companies.

**New York—cost and amount of new business.** The business policy of many life insurance companies during the last 20 years was characterized by an all absorbing desire to attain great size. While the legislative committee recognized the importance of spreading insurance as widely as possible, and conceded the value of having a large membership in a company in order to reduce the average expense rate and secure a more accurate application of the law of average to the rate of mortality, it was the decided opinion of the committee that the growth of insurance companies should not overstep the bounds of reason regardless of the cost and quality of the new business secured. The committee felt that existing policy holders must be protected against excessive expenditures for new business, and that radical action must be taken to curb the many existing abuses shown by evidence to exist on every hand. As regards many companies quality in insurance was no longer the moving spirit but size and leadership were the all absorbing dream.

Well might the committee have reached this conclusion. Bonuses, advances, exorbitant commissions, rebates, and costly presents were found to exist on every hand. In some of the largest companies the entire first year's premium was expended for obtaining the new business, and in a few companies expenses reached such proportions that for every dollar of premium received on the new business from \$2 to \$2.50 was expended. Excluding the "Big Three," 10 New York companies expended an amount for new business during the year 1904 aggregating 125% of the premium; whereas six companies whose business is conducted on an economical basis expended only 65.3%. Thirty years ago agents only received from 20 to 30% of the first premium. But as competition increased and the desire for size became dominant, commissions also increased until they rose to 60% of the first premium, with renewal premiums of 7½ to 10%

for periods of from 10 to 15 years, and bonuses ranging from \$2 to \$5 for every \$1000 of insurance written. As was testified by one prominent agency manager, "sometimes when the agents were given commissions and large salaries the salary was given them to live on and the commissions to buy business with."

But to correct and limit such excessive expenditures it was necessary for the legislative investigating committee to adopt some proper standard by which to measure a life insurance company's expenses for new business. Such a standard, it was seen, must protect existing policy holders and make new business pay for the cost of its own solicitation. With this object in view the committee, after consulting the leading actuaries of the country, adopted a rule which permits companies to expend for new business "*the saving in mortality during the first five years of insurance plus the loading on the first year's premium.*" This amount it was held should suffice to pay for new business, since it represented no more than what was being expended by the conservative companies of the country.

The law passed in compliance with this recommendation has for its aim the bringing of the extravagant companies to the footing of the most economical. It provides (N. Y. '06 ch.326 § 97) that after 1906 no company, domestic or foreign, writing business in New York, shall expend (1) for commissions on first year's premiums, (2) for compensation, not paid by commissions for services in obtaining new insurance exclusive of salaries paid in good faith for agency supervision, either at home offices or branch offices, (3) for medical examinations and inspections of proposed risks, and (4) for advances to agents, "an amount exceeding the aggregate loading upon the first year's premium plus the value of the mortality gain for the first five years of the life of the policy." To quote the committee, "had this standard been applied to the entire group of 32 companies with reference to all the business except industrial, their entire expenses would have amounted in 1904 to only \$31,904,771, or \$23,110,507 less than had actually been expended. Under such a limitation this great sum would have been saved for policy holders, amounting to an addition of about 30% of the surplus earnings of the year."

\* This important section of the law of April 27, 1906, limiting expenses, is supplemented by many others. Henceforth no agent may receive any other compensation than that determined in advance. Bonuses, prizes, rewards and additional compensation of all kinds are prohibited. Rebating is likewise prohibited, and henceforth any

person knowingly receiving any rebate or allowance or deduction from any premium, or any valuable thing, special favor or advantage whatever as an inducement to take any policy of life insurance, not specified in the policy, is guilty of a misdemeanor ('06 ch.231). Renewal premiums are carefully defined, and it is provided that no company may pay commissions upon renewal premiums which exceed 5% for nine years in case of endowment policies providing for less than 20 annual premiums, or which exceed 7½% of the premium for nine years in the case of other forms of insurance. With minor exceptions this rule is to apply to all insurance companies, domestic and foreign, operating in the state of New York (ch.326 § 97).

To forestall all attempts at evasion the Legislature resorted to the extreme measure of limiting the amount of new business which a company may acquire in any one year (ch.326 § 96). The new business of companies, possessing from \$50,000,000 to \$1,000,000,000 of insurance, is limited for all companies according to a graded schedule. For companies with business in excess of \$1,000,000,000, the amount of new business for any one year is limited to \$150,000,000. Henceforth the largest companies will find their new business practically cut in two and the small companies will be relieved from the strenuous competition of the "Giant Three." Few sections of the New York law are given greater importance than this, and it is universally conceded that it will insure a reduction in agency expenses.

By way of supplementing the foregoing sections, the Legislature also saw fit to supervise the use which life insurance companies may make of their surplus. Companies issuing participating policies may not do a nonparticipating business, except as regards paid-up or temporary and pure endowment insurance issued or granted in exchange for lapsed or surrendered policies (ch.326 § 102). All dividends must be paid annually and can no longer be deferred (§ 101). Furthermore the amount of surplus which any company may hold has been limited (§ 87, 205). The largest companies — those with policies whose net value is equal to \$75,000,000 or more — may no longer hold a surplus which is larger than 5% of the sum which the law compels them to have on hand for the payment of losses. Everything above this 5% must be returned to the policy holders annually in the form of dividends.

It is also decreed (§ 98) that no domestic life insurance company may pay any salary or other compensation to any officer, trustee or

director, or any person, firm or corporation amounting in any year to more than \$5000 unless authorization be obtained by a vote of the board of directors. Nor may any life insurance corporation hereafter make any agreement with any of its officers, trustees or salaried employees whereby it agrees that for any services rendered they shall receive any compensation which will extend beyond one year from the date of the agreement. Pensions may no longer be granted to any officer, director or trustee or to any member of his family after his death; and in section 99 it is provided that no domestic life insurance company shall make any disbursement of \$100 or more unless the same be evidenced by a voucher properly signed by or on behalf of the person or corporation receiving the money, correctly describing the consideration of the payment, and, if the same be for services, setting forth the services rendered.

**New York—life insurance investments.** Closely connected with the legislation regulating the cost of life insurance to the policy holder are those sections of the New York law which supervise life insurance investments. Although New York companies compute their premiums upon an assumed rate of interest of 3 or 3½%, a rate which could be easily realized, the fact developed during the recent legislative inquiry that many leading companies constantly made investments yielding much less than this required rate. With 4% available in many kinds of investments, the managers of certain companies saw fit to deposit millions of dollars in banks and trust companies paying 2% or less, despite the fact that life insurance companies do not require big deposits, and in nearly all instances have a weekly income considerably larger than the outlay. The companies' representatives argued that, inasmuch as the companies were themselves stockholders in these banks and trust companies, these deposits at a low rate of interest would swell the profits attaching to the stock. But the legislative investigating committee could not see it that way, and answered the argument by contending that investments in stocks and bank deposits are two distinct and separate fields and a loss in one can not be justified by a gain in the other.

While investments in first mortgages show an average return to insurance companies of from 4½ to 5%, many of the companies preferred to place millions upon millions of their assets in expensive buildings and real estate, the return from which was less than 3% and in many cases less than 2% on the book value, although such book value had been constantly diminished to show a more favorable investment return. Then, too, the evidence clearly showed that

many of the companies participated in underwriting syndicates, and purchased securities not for investment, but for speedy resale with a view of making a speculative profit. In most instances these syndicate arrangements proved profitable and this was advanced as a justification for their being undertaken. The investigating committee, however, did not take this view. In some instances it was shown that the companies advanced their credit, and, upon the allotment of profits, were not given their fair share, the officers justifying this division of profits on the ground of expert service having been given the companies.

In too many instances where the underwriting venture proved profitable it was shown that the governing motive of the syndicate managers in offering the participation to the company was to work themselves into its good graces because they would profit later by inducing the company to buy their securities. All these practices the committee condemned as taking the companies "out of their normal relation as creditors through suitable investments, and making them co-owners of the corporation and promotors of the undertakings to which they had thus become allied." The committee said in its report:

These practices have weakened the sense of official responsibility, multiplying the opportunities for gain, both direct and indirect, to officers and directors through the use of the company's funds, and making easy the exercise of official discretion at the promptings of self-interest. The profits made possible under astute management of those closely identified with important financial operations furnish no answer to the criticism of this policy. It is conceivable that the companies might make money if they engage directly in the brokerage or banking business. Even by the manipulation of the stock market, it may well be that with the special advantages they have enjoyed they could have added largely to their accumulation, by barter, by purchase for resale or by the development of industries. They were chartered to furnish life insurance, and the true measure of their power and their duty in the handling of their funds is to invest them with due conservatism, to the end that they may be able to discharge their obligations. If in this manner they should make less money they would also be less likely to court disaster.

To prevent the continuance of the evil methods practised in investing and using the assets of life insurance companies, the New York Legislature saw fit to pass the most drastic legislation ever adopted in this country. Henceforth the companies of New York are forbidden to participate in any underwriting syndicate, or to enter into



any transaction for purchase and sale on joint account or any agreement which provides that the company shall withhold from sale for any time or subject to the discretion of others, any of its securities (ch.326 § 100). Officers and directors of companies are henceforth forbidden to reap returns from life insurance investments by a section of the law (§ 36) which provides that no officer or director may be pecuniarily interested, either as principal, co-principal, agent or beneficiary, in any purchase, sale or loan made by the insurance company, except in case of a loan upon his policy.

The investment of assets in real estate is carefully regulated, and the excessive and unprofitable investments of New York life insurance companies in this field will probably soon be events of the past. All real property which is not necessary for the company's accommodation in the convenient transaction of its business must be sold within five years after the company shall have acquired title to the same. The Superintendent of Insurance may grant an extension of time for such sale, but only upon proof that the forced sale of the real estate within the prescribed time would result in material damage to the company's interest. Under the general corporation law of New York the domestic companies were enabled to buy practically any amount of real estate under the pretext that it was required for the convenient transaction of business. Now this is no longer possible, and to insure the enforcement of the law it is enacted that the companies must annually make an accurate, concise and full statement of all real estate held by them, the dates of acquisition, the name of the vendors, the actual cost, the value at which the property is carried on the company's books, the market value, the amount incurred for improvements, the rental value of portions occupied by the company, the gross and net income of each plot of real estate, a statement of any certificate issued by the Superintendent of Insurance extending the time for the disposition thereof, and all purchases and sales made since the last annual report (ch.326 § 20).

But the Legislature did not stop here. Hereafter no domestic life insurance corporation shall after the first day of June, 1906, invest in or loan upon any shares of stock of any corporation, other than a municipal corporation (§ 100). Furthermore no such company may invest in bonds which are secured to the extent of more than one third of their value by corporate stocks, nor make loans upon any stocks and bonds which they may not purchase (§ 100). To facilitate the enforcement of these provisions relative to stock and bond

investments it is provided that every company holding such prohibited investments must dispose of the same within five years from December 31, 1906. Meanwhile the companies must annually reduce such investments to an extent approved by the Superintendent of Insurance.

The above section was passed in compliance with the following recommendation of the New York investigating committee:

Investments in stocks should be prohibited. They are fundamentally objectionable, as the corporation, instead of holding a secured obligation, acquires a proprietary interest in another business, with rights subject to all such indebtedness which may be created in the conduct of it and often direct liabilities as stockholders. This interest must be nourished and supported. Instead of being a creditor with adequate security to which upon default the corporation may resort, it assumes the responsibilities of proprietorship and must contribute from the accumulations provided by the policy holders in order to sustain the enterprise. If the stock holdings constitute a small minority, the investment is at the mercy of administrators chosen by the majority stockholders. If the stock interest be a large one it is frequently found advisable to increase it until a substantial control is effected, and the insurance corporation is not only engaged in a different enterprise, but directly undertakes its management. Such relations afford ready opportunities to conceal irregular transactions and to hide the malversation of funds.

To make sure that the foregoing enactments may not be evaded, the Legislature provided at great length the manner in which the companies shall report their business (§ 103). It was enacted that the company must not only furnish all the information just enumerated with reference to real estate, but must state the amount of existing loans upon the security of real property in each state and foreign country; the money loaned to any person other than loans upon the security of real property; all other property owned by the company in which it has an interest; all commissions and expenses paid to any person and arising out of loans or purchases or sales of any property; all moneys expended in connection with any matter pending before any legislative body or any officer or department of government, giving full particulars as to dates, amounts, and names and addresses of payees; the salary or other compensation of officers or directors or other persons where the same exceeds \$5000, as well as salaries paid to any representatives either at the home or branch office; the largest balances carried in each bank or trust company during each month of the year; all death claims resisted; and a

complete statement of the profits and losses of the business transactions of the year and the sources of such gains and losses.

**New York—lobbying.** Several wholesome restrictions were adopted by the New York Legislature regulating lobbying on the part of insurance companies and prohibiting them from making political campaign contributions in any form whatsoever. Any officer or employee who is guilty of giving campaign contributions with or without the sanction of his superiors is to be fined and imprisoned. Lobbying is carefully regulated by providing that every person retained or employed as counsel or agent to promote or defeat the passage of bills or to influence executive action in insurance legislation shall file papers in the office of the Secretary of State, stating his name, the name of his employer, and giving a description of the legislation in reference to which his services have been secured. Likewise, if any money be expended in connection with any matter pending before any Legislature, public body or department of government, the transaction must be accurately described and the interest of the corporation must be fully stated. A voucher must be given for such expenditures, and if such voucher can not be obtained then an affidavit must be made stating the reason therefor and setting forth full particulars (§ 99). Lobbying is not prohibited but is carefully regulated.

**New York—policy contract and conduct of agents.** After January, 1907, every policy of insurance issued and delivered within the state by any company doing business therein must contain the entire contract between the parties, and nothing may be incorporated by reference to any constitution, bylaws, rules, application or other writing unless the same are indorsed upon or attached to the policy when issued (§ 58). All statements purporting to be made by the insured are, in the absence of fraud, to be considered as representations and not warranties (§ 58). Discriminations in favor of individuals in the same class, or with the same expectation of life, either as regards the amount of premium, return premium, dividends or other advantages, are prohibited (§ 89). Moreover, there may no longer be any forfeiture of a policy without due notice to the policy holder (§ 92).

With the exception of industrial policies, all policies of insurance issued or delivered within the state of New York after January 1, 1907, by any domestic life insurance corporation must be according to a prescribed form (§ 101), thus making the policy definite in meaning, obviating the numerous differences existing in the policies of various companies, and protecting the insured from the operation

of obscure clauses which a company may insert in its policy in order to limit its liability.

The law prescribes four standard forms of policy: (1) an ordinary life policy, (2) a limited payment policy, (3) an endowment policy, and (4) a term policy. In all these standard policies the law specifically prescribes the conditions which shall govern the change of beneficiary, the payment of the premium, the time of grace allowed in paying the premium, and the length of time during which the company may impose restrictions upon its liability by reason of travel, change of occupation, suicide etc. The law also stipulates the method of paying dividends and the making of loans, and enumerates the options which the policy holder may enjoy on the surrender of his policy. The law, however, contemplates the desire on the part of companies to issue policies other than the standard forms prescribed, and consequently provides that any new policy form must be submitted to the Superintendent of Insurance, who, after informing the other companies and fixing a date for a hearing, must approve the new policy before it is issued.

Agents, officers or directors are forbidden, on pain of committing a misdemeanor (§ 60) to issue or circulate any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by the company, or the benefits, dividends or advantages to be received thereon. Nor may they use any name or title of any policy or class of policies which misrepresents the true nature of the insurance. Lastly it is provided (§ 59) that no corporation, domestic or foreign, doing business within the state shall provide in any application, policy or certificate of insurance, that the person soliciting such insurance, or any person engaged in the business of soliciting insurance, is the agent of the person insured under the policy or certificate, or to insert in the policy or certificate any provision making the acts or representation of the agent binding upon the person insured.

**New York — election of directors.** For many years the policy holders in our larger mutual life insurance companies were able to exert but little influence in the selection of trustees. In fact, little concern was shown in the management of companies by policy holders, and the boards of trustees as well as other positions were to all intents and purposes permanent and self-perpetuating. The Mutual Life Insurance Company was reputed to have between 400,000 and 500,000 policy holders entitled to vote, yet for a long period of years not more than a few hundred votes were cast at any election, and many of these votes came from employees of the com-

pany. In the New York Life Insurance Company likewise only 2328 votes were cast in any election since 1895, although it was estimated that 800,000 policy holders possessed the right to vote. In 1904 only 803 votes were cast, these votes coming mainly from the company's employees. To quote the investigating committee as regards one of the largest companies:

The policy holders are entitled to vote by proxy, but, as a rule, proxies have not been used. In order to secure the continuity of the management and to guard against an uprising of policy holders, proxies to the extent of thousands have been obtained under suitable instructions by the local managers. These proxies, unless revoked, run for years and it has been found that the privilege of revocation is rarely exercised. Through their proxies and the command of the machinery by which proxies could be easily obtained, executive officers have been in actual control, and, in effect, have been able to elect the members of the board of trustees, through whom in turn they themselves have been continued in office. The result has been an autocracy, maintained almost without challenge.

With conditions like these prevailing in many instances the committee set about to remedy abuses by making sure that the policy holders in the future would have a voice in the administration of the companies. Consequently a very large portion of the act of April 27 ('06 ch.326) is devoted to a minute explanation of how directors shall henceforth be elected in domestic mutual life insurance companies. The law provides that the term of office of all directors of all domestic mutual life insurance companies shall expire on December 18, 1906, and that a new board of directors shall be elected, which board shall immediately elect new officers of the company. The law places the election under the supervision of the Superintendent of Insurance. Every policy holder whose insurance shall have been in force one year prior to the election shall be entitled to one vote but no more, regardless of the number of policies he may hold.

To facilitate the annual election the investigating committee saw the necessity of overcoming the apparent advantage of the managements in selecting directors, through their control over policy holders. Consequently the law stipulates that full lists of all policy holders having the right to vote shall be filed with the Superintendent of Insurance at least five months prior to the election. The names of the policy holders must be arranged in lists alphabetically and must be classified by states, territories and foreign countries. A full list of such policy holders must not only be fur-

nished to the Superintendent of Insurance, but it is provided that the general agencies in every state, territory and foreign country, unless prohibited by law, shall maintain two lists of such policy holders residing in the jurisdiction, and all such lists shall be subject to inspection and copy at any time during business hours by any policy holder in the corporation or by his authorized representative during the five months preceding the election. The object manifestly is to enable the policy holders to unite and carry on a vigorous campaign if they deem this to their interest.

**Louisiana — life insurance legislation.** In one state at least the life insurance reform movement, as just outlined for the state of New York, seems to have been duplicated to a considerable extent. This state is Louisiana. Of the 58 insurance laws passed by the several states other than New York, Louisiana contributed 15. With few exceptions these laws are of vital importance, and resemble the corresponding sections of the New York law both in wording and substance. The most important of these laws are the following:

1 The law (La. '06 ch.68) prohibiting life insurance companies from forfeiting policies for default in payment of premium, interest or instalment, unless written or printed notice has been mailed to the policy holder or the assignee of the policy.

2 The law ('06 ch.94) prohibiting foreign and domestic corporations issuing policies of life insurance, from stipulating in any application, policy or certificate of insurance that the person soliciting such insurance, or any person who is engaged in soliciting insurance for the company, is the agent of the person insured, and prohibiting the company from inserting in the application, policy or certificate of insurance any provision which makes the acts or representations of such agent binding upon the person insured. Any company violating this provision is to forfeit its authority to do business within the state.

3 The law ('06 ch.96) which prevents discrimination by life insurance and benefit companies of other states and countries against policy holders or beneficiaries who are citizens or residents of Louisiana; which extends to citizens and residents of the state who are policy holders the full benefit of all statutes and legal enactments in such other states and countries wherein the company issuing policies is domiciled; and which places the citizens of Louisiana upon an equality with the citizens of other states and countries in which the company is domiciled in the interpretation, performance and enforcements of life insurance policies.

4 The law ('06 ch.107) which provides that no life insurance cor-

poration writing insurance in Louisiana and no officer, director or agent thereof shall issue or circulate, or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or share of surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof.

5 The law ('06 ch.193) making life or endowment insurance policies issued by legal reserve life insurance companies or associations to residents of Louisiana nonforfeitable after January 1, 1907, after three premiums have been paid; and providing also that the reserve is to be automatically applied for extended insurance where no other choice is expressed, and that dividends be included in computing the amount available for extended insurance.

6 The law ('06 ch.88) requiring life insurance companies or companies issuing participating policies to make an annual distribution of surplus, and prohibiting life insurance companies issuing participating policies from doing business in the state after January 1, 1907, unless this act is complied with.

7 The law ('06 ch.52, 56) providing that no domestic life insurance corporation shall make any disbursement of \$100 or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money and correctly describing the consideration for the payment; and if the same be for services and disbursements, setting forth the services rendered and an itemized statement of the disbursements made. If the payment be in connection with any matter pending before any legislative or public body or before any department or officer of any government, the voucher shall correctly describe in addition to the above requirements the nature of the matter and the interest of the corporation therein.

8 The law ('06 ch. 87) providing for a full report from life insurance companies, the requirements enumerated in the law being similar to those mentioned in the New York law of April 27.

**Insurance departments and investigating committees.** With reference to the above subjects five states passed laws during 1906. Massachusetts ('06 r.11) and Ohio ('06 p.417) provided for the appointment of a commission to codify the insurance laws of the state. Ohio intrusted this work to a joint committee of the House and Senate, with full powers of investigation and with power to revise existing laws and make recommendations relative thereto.

In Iowa an act ('06 ch.188) provides for a legislative insurance

commission of five members, which shall have full power to investigate the business methods of all insurance companies doing business within the state, the salaries paid, the investments of such companies, the relation of the officers to such investments, the expenditures etc., and which shall issue a report of its finding. Wisconsin also provided ('05 ex. sess. p.39) for a joint committee of the Legislature to investigate life insurance corporations, the commission being given full power to summon witnesses and to examine the books, expenditures and methods of business of the various companies doing business in the state. Virginia ('06 ch.112) passed a very comprehensive law providing for a bureau of insurance, and outlining, as is customary in general insurance laws, the duties of the bureau, the organization of companies and the requirements which domestic and foreign companies must comply with in order to transact business in the state.

**Organization of life insurance companies.** A large number of the insurance laws passed during 1906 refer to the organization of life insurance companies. Louisiana passed three such acts, the first ('06 ch.99) regulating the organization of life insurance companies incorporated under the laws of the state, requiring them to deposit \$100,000 in securities now required by law with the State Treasurer, and providing that stock companies shall have a fully paid-up capital and mutual companies shall have at least 200 subscribers with an aggregate of not less than \$200,000 insurance subscribed on their lives and with one full annual premium paid before beginning business; the second ('06 ch.65) regulating the business of industrial insurance with reference to the manner in which the companies may write business in the state and the nature of the deposits to be left with the State Treasurer; and the third ('06 ch.115) providing for the organization, admission and regulation of associations transacting the business of life, accident, sick, benefit or physical disability insurance on the fraternal plan. Georgia ('06 p.107) and Kentucky ('06 ch.144) authorized any life insurance company organized and doing business on the legal reserve plan under the laws of the state, to deposit with the State Treasurer securities to the amount of the net reserve value of all policies issued by such company as security for the payment of all liabilities arising under the terms of the policy. In Iowa a law was passed ('06 ch.74) authorizing life insurance companies to transact health, accident and employers liability insurance, while in Kentucky ('06 ch.143) the Legislature provided for the regulation of burial associations and corporations doing business in the state. Among the other laws may be men-



tioned those of California ('06 ch.29), Pennsylvania ('06 ch.2, 16) and Ohio ('06 p.265), which fix the duties, salary etc. of the insurance commissioner.

**Life insurance — miscellaneous laws.** Among the other laws affecting the life insurance business the following should be stated as the most important:

1 The law of Iowa ('06 ch.77) which provides that life insurance companies may invest the funds deposited with the Auditor of State in bonds of the United States, in bonds of any state if at or above par, in bonds or other evidences of indebtedness of any county, city, town or school district, in drainage district bonds of Iowa or improvement certificates issued by any municipal corporation of Iowa, such certificates being a first lien upon real estate within the corporate limits of the municipality issuing the same; and in bonds and mortgages and other interest-bearing securities which are first liens upon real estate within Iowa or any other state worth at least double the amount loaned thereon and secured thereby exclusive of improvements, or two and one half times such amount including the improvements thereon, if such improvements are constructed of brick or stone.

2 The law of Maryland ('06 ch.273) prohibiting any life insurance company doing business in Maryland from issuing any policy participating in profits or surplus under which the accounting, apportionment and distribution of surplus to the policy holder shall be delayed for a longer period than five years.

3 The law of Arkansas ('05 ch.115) providing that in all cases where loss occurs, and the fire, life, health or accident insurance company liable therefor shall fail to pay for the same within the time specified in the policy, after demand made therefor, such company shall be liable to pay the holder of the policy in addition to the amount of the loss, 12% damages upon the amount of the loss, together with all reasonable attorney's fees for the prosecution and collection of the loss.

4 The law of South Carolina ('06 ch.70) making it compulsory on all fire, life or other insurance companies doing business in the state to bring all suits in the county where the loss occurs.

**Fire insurance.** With reference to fire insurance but few laws were passed in 1906. Most of the legislation refers to the investigation of fires. Kentucky, Louisiana and Maryland (Ky. ch.95; La. ch.152; Md. ch.709) passed laws providing for the appointment of a fire marshal or deputy insurance commissioner to investigate all fires in the state and to keep a record of the same. To facilitate such

investigations the fire marshal is given full power to subpoena witnesses and to inspect buildings. New Jersey ('06 ch.249) also created an officer, called the Inspector of Combustibles and Fire Risks, in cities of the first class, whose duty it is to inspect buildings and to keep a record of all such inspections.

In California ('06 ch.2) a law was passed giving the Insurance Commissioner power, whenever he deems it necessary, to require any company writing insurance in the state to furnish the commissioner with a full and complete list of all its policies of insurance on property or risks located within that portion of the state of California included within the territory described by the commissioner. Arkansas is the only other state which passed any legislation of importance relative to fire insurance. The law of April 24, 1905 ('05 ch.192) provides fully for the organization of mutual companies. Another act ('05 ch.324) prescribes the conditions under which foreign mutual fire insurance companies may be admitted to do business in the state.

**Title guaranty and trust companies.** Only one law of importance need be mentioned under this head. The law of Ohio ('06 p.153) prescribes fully the powers of such companies and provides that "no such company shall do business until the capital stock of said company shall amount to at least \$100,000 fully paid up, and until such company shall have deposited with the Treasurer of State \$50,000 in the securities permitted by sections 3637 and 3638 of the Revised Statutes of Ohio, and with the exception of the deposit aforesaid said capital shall be invested as the board of directors of said company may prescribe. The Treasurer of State shall hold such funds or securities deposited with him as security for the faithful performance of all guaranties entered into by said company, but so long as said company shall continue solvent said treasurer shall permit it to collect the interest of, or dividends on, its securities so deposited, and from time to time withdraw such securities or any part thereof, on depositing with him cash or other securities of the kind heretofore named so as to maintain the value of said deposit at \$50,000. Provided, further, that any company organized under this act shall be limited in its operations to only one county in this state, which county shall be designated in its application for a charter, except that in case any company organized under this act desires to issue its policies of title insurance in more than one county in this state such company shall be authorized to issue such policies in such other county or counties upon depositing with the Treasurer of State an additional sum of \$50,000 in securities as herein provided, for each and every additional county in which it proposes to operate."

*New York State Education Department*  
**New York State Library**

REVIEW OF LEGISLATION 1906

LEGISLATION BULLETIN 33t

EDUCATION<sup>1</sup>

HOWARD J. ROGERS LL.D., FIRST ASSISTANT COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK

During the year ending September 30, 1906, there were reported to the legislative reference section of the New York State Library from states and territories holding legislative sessions, 121 acts affecting educational matters. The number of enactments is greatly less than for the year ending September 30, 1905, when 367 acts were reported. This is no doubt largely due to the fact that the Legislatures of many states do not hold sessions in the even years. As usual a great majority of the new statutes are amendments to existing statutes and laws affecting minor details of school government and administration. There are, however, a great many statutes which will have a wide influence on the school affairs of the state to which they refer, and many enactments which are of interest to the school public. The state of Virginia seems to have taken the lead in the matter of school legislation, having passed no less than 12 laws affecting school matters and very extensively revising the code of public education.

A noteworthy piece of legislation was the incorporation by Congress of the National Education Association of the United States. This body is the successor of the National Educational Association and continues all the rights, powers and obligations of that body. The incorporation of the National Educational Association, which was made under the laws of the District of Columbia, expired under its 20 year limitation in February 1906. The matter was discussed at the meeting of the association in Asbury Park in 1905 and the following resolution passed at that meeting:

*Resolved*, That this association authorizes and requests the board of trustees to make application to Congress for a special act in the following form to incorporate an association to be known as the National Education Association of the United States, to succeed and continue the National Educational Association.

The bill for the proposed incorporation was duly introduced in Congress under charge of the Hon. George N. Southwick of New

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<sup>1</sup> See also Governors Messages and Index of Legislation, 2220.

York, chairman of the education committee, passed both houses and was signed by the President June 30, 1906. It was the second instance where Congress has passed a bill of this character and the fact that it was thus enacted renders it impossible to amend it except by act of Congress. This insures a permanency to the association which is much to be desired, and further gives it a recognition of national character. The association during its 20 years of history has made such an enviable record, has been so instrumental in shaping the educational policy of the various states of the Union, and has become possessed of so much invested property that an incorporation of the most stable character was demanded. The law passed (U. S. '05-'06 ch.398) continues all the powers held by the former association, provides for a simpler and more rational government, protects the permanent fund of the association and carefully safeguards the disposition and expenditure of the income. The adoption of this act of incorporation must be made at the next meeting of the association, to be held at Los Angeles in July 1907, and the adoption of bylaws governing the administrative details of the association will be brought up before the same meeting.<sup>1</sup> The perpetuation of this great association, which is unique in the annals of educational history, and the safeguarding of its funds and investments, together with the assurance of its future activity and impress upon the educational life of the country, is the most important legislative act of the year.

Another statute out of the ordinary in school legislation and which establishes a precedent in this country, was passed by the New York Legislature and became a law May 31 ('06 ch.678). It provides for the selection of a suitable site for a building for the use of the State Education Department and the erection of a building which shall be a home for all the educational activities of the Empire State. Since the unification act of 1904 the Education Department of the State of New York, comprising as it does the State Library and the State Museum, in addition to all other educational machinery of the state, is by far the largest executive branch of the state government. Its offices occupy nearly one third of the present State Capitol and the growth of other departments of the state renders necessary a separate building for the administration of its educational affairs. The building will occupy two blocks in the central part of the city, and will be 600 feet long

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<sup>1</sup> Since this was written the association at its Los Angeles meeting, July 10, 1907, approved the act of incorporation, and adopted the bylaws drawn by a special committee.

and 250 feet in depth and five stories high. The entire cost will be \$4,000,000. The architects, Palmer & Hornbostel of New York city, the winners of the architectural competition, have designed a building which in its pure classic outlines will be an ideal home for the educational interests of the state. It is noteworthy that New York is the first state to erect a building devoted solely to the needs of educational administration. Even the United States Bureau of Education is housed in an annex of the Interior Building. The parallel might go even farther than this inasmuch as there are only two or three countries in the world which have a monumental building designed solely for administrative purposes of national education. It is expected that the Education Building of the State of New York will be ready for occupancy in the fall of 1910.

**School codes.** As stated above the only state to materially alter its school code during the year under consideration was Virginia, not less than 12 acts having been passed by the Legislature of 1906. The first act ('06 ch.33) establishes a state board of education, fixes the compensation of the board and the terms of office and qualifications of its members. The second act ('06 ch.248) prescribes the duties of the board and materially amends sections of the code of Virginia relating to public free schools in counties and the distribution of the literary fund. A state superintendent of public instruction is provided for in a former act ('06 ch.3), whose salary is \$2800 a year, and \$500 for traveling expenses. Among the powers delegated to the State Board of Education are: to divide the state into proper school divisions; to prescribe the duties of the superintendent of public instruction; to provide for the inspection of schools and the examination of teachers; to select textbooks, school furniture and educational appliances; to approve the plans of the superintendent of public instruction for the conduct of summer normal schools; to decide appeals from the decisions of the superintendent of public instruction; to invest the capital and unappropriated income of the literary fund and to audit all claims to be paid out of said fund; to approve or amend the apportionment plans made by the Superintendent of Public Instruction; to make a report to the General Assembly at each regular session, together with recommendations in reference to the public free school system. This practically places the entire educational system of Virginia in the hands of a state board, of which the State Superintendent of

Public Instruction is merely the executive officer. This act ('06 ch.248) further prescribes the powers and duties of county school boards and of school trustees. The bill finally provides that in every public free school shall be taught orthography, reading, writing, arithmetic, grammar, geography, physiology and hygiene, civil government, drawing, history of the United States and history of Virginia.

Another act ('06 ch.240) amends the existing laws relating to the division of school districts and subdistricts and provides for the government and administration of these subdistricts, for additional school taxes, and the appointment of school directors. It is supplemental to and extends the workings of the chapter above mentioned relating to the powers and duties of the state board. Still another enactment ('06 ch.293) amends sections of the code of Virginia relating to public free schools in cities and in towns constituting separate school districts and is in accord with the main changes made in the general state school law.

Maryland ('06 ch.356) amends the school code by providing that the members of the State Board of Education shall receive no salary but shall receive actual expenses incurred in attending meetings. The bill further provides for the appointment of an assistant superintendent of education at a salary of \$1500 a year, and further provides that a teachers institute to continue for not less than five days shall be held for each county once a year.

**Compulsory education.** There seems to have been a cessation in the passing of laws governing compulsory attendance of children on public schools, presumably for the reason that most of the states now have fairly satisfactory working statutes. Maryland ('06 ch. 236) adds a new section to the public education code regarding the compulsory attendance of deaf and blind children, fixing the age limit between 6 and 16 and providing that where a parent or guardian of a deaf or blind child is not financially able to pay for the transportation of the child to some school for the deaf or blind, the same shall be paid out of the state appropriation for the school where the child attends. Failure to comply with this law on the part of the parent or guardian is a misdemeanor.

Massachusetts ('06 ch.383) amends the act relative to compulsory education by providing that no physical or mental condition which is capable of correction or which renders a child a fit subject for special instruction at public charge in institutions other than public day schools, shall avail as a defense unless it shall be

made to appear that the defendant has employed all reasonable measures for the correction of the condition or for the suitable instruction of the child. Massachusetts also provides ('06 ch.389) that habitual truants, habitual absentees and habitual offenders shall be committed to truant schools for the instruction and training of children now provided for by the several counties and not to any other institution or place. The only exception made to this is the Plummer Farm School of Reform for Boys at Salem.

Ohio ('06 p.267) makes the conveying of pupils to school at public expense optional with boards of education and not applicable to pupils living less than  $\frac{1}{2}$  mile from a schoolhouse.

**School funds.** Arkansas ('06 ch.156) authorizes and empowers county judges to lease wild and uncleared one sixteenth sections of school lands for a term of years for the purpose of putting the same in cultivation. The same state also enacts ('06 ch.248) that any special school district in the state may borrow money for building purposes and mortgage the property of the district to secure the same. A constitutional amendment has also been passed by both houses of Arkansas and is to be submitted to the people, empowering the General Assembly to provide by general laws for the support of common schools by taxes which shall never exceed in any one year 3 mills on \$1 on the taxable property of the state, and by an annual per capita tax of \$1 to be assessed on all male inhabitants over the age of 21 years. The amendment further proposes that the General Assembly may authorize school districts to levy by a vote of the qualified electors of such district a tax not to exceed 7 mills on \$1 in any one year for school purposes.

Georgia ('06 p.61) amends its acts providing for local taxes for public schools, stating in detail how the local tax shall be levied, the powers and duties of trustees in connection therewith, and defining the corporate property subject to local taxation.

Kentucky ('06 ch.79) amends its state law in reference to the powers of a board of education in making tax levies and issuing bonds and pledging revenue for money borrowed.

New Jersey ('06 ch.146) amends its free school act in reference to the distribution of state tax among counties for school purposes; and also in another statute ('06 ch.277) provides that bonds which are issued by consolidated school districts shall continue a lien upon such districts.

New York ('06 ch.698) authorizes a larger apportionment of public school funds to weak rural districts as follows: to each dis-

trict having an assessed valuation of \$20,000 or less, \$200; to districts having an assessed valuation of between \$20,000 and \$40,000, \$175; to each district having an assessed valuation between \$40,000 and \$60,000, \$150; to each of the remaining districts \$125. This is an advance of \$50 a year to the weakest districts and of \$25 a year to the other districts included in the above categories.

Ohio ('06 p.256) amends prior statutes by providing that there shall be levied annually a tax of 1 mill upon the grand list of the taxable property of the state, the proceeds of which shall constitute the state school fund; and a like tax of .10 of a mill for the purpose of creating a sinking fund; and a like tax of .15 of a mill the proceeds of which shall constitute the Ohio State University fund. Ohio further provides ('06 p.127) that the local tax levied for school purposes shall not exceed 12 mills on the dollar in rural school districts and 6 mills on the dollar in city school districts. It is specified, however, that any special levy for a special purpose may be authorized by vote of the electors.

Rhode Island ('06 ch.1306) provides that towns may take and condemn improved and unimproved lands for the erection of schoolhouses, provided the amount of the same at any one taking shall not exceed 1 acre, and also fixes the method of procedure for condemnation proceedings.

Virginia ('06 ch.252) authorizes school boards of the school districts in the state to borrow money belonging to the literary fund for certain specified purposes, and authorizes a loan of such funds to each district. In another statute ('06 ch.255) school boards of school districts in the counties of the state are permitted to borrow money and issue bonds for the purpose of erecting and furnishing schoolhouses. Virginia also ('06 ch.80) provides that the common council of each city may levy a tax upon the real and personal property, not to exceed 50 cents on \$100, for school purposes. This increases the amount from 30 cents to 50 cents upon \$100.

**Training of teachers.** Arkansas ('06 ch.311) makes provision for improving the character of teaching in the state by establishing county institutes to be held one each year, one for whites and one for negroes. It is made the duty of the state superintendent to outline and supervise the work. By chapter 343, laws of 1906, the Legislature provides that the diplomas of all graduates of the Normal Department of the University of Arkansas shall be equivalent to a teachers professional license.

Iowa ('06 ch.122) repeals various sections of the laws relating



to public education and enacts in their stead a statute defining the qualifications of county superintendents, the grades of certificates issued by them, subjects in which examinations are to be held for the various certificates, and the procedure for the revocation and annulment of licenses.

Kentucky ('06 ch.39) enacts that any county superintendent or county examiner who shall knowingly grant to any immoral person or to any person under the prescribed age a certificate to teach in the common schools shall be guilty of a misdemeanor. Kentucky ('06 ch.102) also provides for the establishment of two state normal schools, to be known as the Eastern Kentucky State Normal School and the Western Kentucky State Normal School respectively, creates a board of regents for the government of each school and prescribes the powers and duties of the board and the purpose and character of the school. The same commonwealth ('06 ch.92) provides that the diploma of the Agricultural and Mechanical College of Kentucky shall be received as sufficient evidence of qualification to teach in the public schools of Kentucky during life.

Ohio ('06 p.228) amends the revised statutes and provides a penalty for publishing or giving information about questions for the examination of teachers.

Massachusetts ('06 ch.399) provides that persons desiring to teach in the public schools shall on payment of a fee of \$2 file an application with the State Board of Education. It shall thereupon be the duty of the state board to make a list of these applicants, arrange the same for convenient reference, and to furnish superintendents of schools and school committees of cities and towns all reasonable information concerning such applicants. Mississippi ('06 ch.146) abolishes the Holly Springs Normal School as a school for colored pupils and attaches the buildings, fixtures and grounds to the branch agricultural experiment station of the state.

**Pensions and retirement funds.** Maryland ('06 ch.475½) amends the prior law and provides that a teacher who has reached the age of 60 years who has been 25 years in the public or normal school service of the state and who is without means of comfortable support may upon application and supported by the recommendation of the board of county school commissioners be placed upon the retired list and receive a compensation from the state of \$200 a year.

New Jersey ('06 ch.103) amends its pension legislation so that any teacher, principal or superintendent who shall have been employed in the public schools of the state not less than 35 years shall upon application or by resolution of the board employing such teacher be retired from duty on half the average annual salary during the last five years of service. New Jersey ('06 ch.314) amends its teachers retirement fund statute, outlining in detail the duties of the trustees of the retirement fund, their organization and powers in reference to the administration of the fund.

New York ('06 ch.305) authorizes the city of Troy to establish a retirement fund for pensioning retired teachers, supervisors, superintendents and principals of the public schools of the city of Troy.

**Higher education.** Ohio ('06 p.309) enacts an important provision wherein is a declaration of the distinct and fixed policy of the state with respect to the Ohio State University, Miami University, and the Ohio University, to the end that the state of Ohio may build up one university worthy of the state and that the two last named institutions may be maintained as colleges of liberal arts of the first grade, not including technical or graduate instruction. Tax levies for the support of the institutions are provided for and some limitations fixed as to the expenditure of the money. This is one of the most important laws in the field of higher education which has been enacted in several years.

South Carolina ('06 ch.14) converts the South Carolina college into a university under the name of The University of South Carolina, with the avowed object of expanding the work of the institution. The trustees of the old College of South Carolina are continued as trustees of the university. It is further provided that hereafter the University of South Carolina, the South Carolina Military Academy, the Winthrop Normal and Industrial College of South Carolina, and the Colored Normal, Agricultural and Mechanical College of South Carolina shall be separate and distinct institutions, each under its separate board of trustees or visitors.

**Industrial education.** This subject is receiving annually more attention from the educational and legislative authorities of the country, and the adjustment and regulation of a rational amount of industrial training with the regular school curriculums continues to be a point under constant discussion. Nothing which affords very material help on this subject has been elaborated during the past year, but the state of Massachusetts in the appointment of an

Industrial Commission authorized by chapter 505 of the laws of 1906 has taken a step which has attracted wide attention and which may result in material benefit. This commission, appointed by the Governor, consists of five persons who are to serve for a term of three years and receive such compensation as the Governor and Council shall approve. An appropriation of \$8000 therefor for the first fiscal year is provided for the necessary clerk hire, administrative and incidental expenses, traveling expenses, etc. The commission is charged with the duty of making an investigation of the methods of industrial training and of local needs and to advise and aid in the introduction of industrial education in independent schools. It is empowered to provide for lectures on the importance of industrial education and kindred subjects, and to visit and report on any special schools in which such education is carried on. It may also initiate and superintend the establishment and maintenance of industrial schools for boys and girls with the cooperation and consent of the municipality involved, and shall have all necessary powers for the conduct and maintenance of such industrial schools, and the moneys appropriated by the state or municipality for their maintenance are to be expended under the direction of the commission. The commission is also given power to provide for the establishment of evening schools. Section 5 of the act provides for the expense of maintaining the schools established under the supervision of the commission and the amount which the state will allow the cities or municipalities for conducting the same, said amounts being in each case proportionate to the amount raised by local taxation. The commission is also required to make an annual report to the Legislature upon the condition and progress of industrial education.

This act places in the hands of the Industrial Commission unprecedented powers in the matter of control of schools of whatever nature for training in commerce and industry. The extent of their work seems to be limited only by their ability to persuade municipalities and towns to establish and organize such schools. The experiment will be watched with great interest and the first annual report of the commission to the Legislature should be of great value in determining a question which at present is occupying a great share of the attention of the educators, legislators and business men of the country.

Georgia ('06 p.72) provides for the establishment and maintenance of schools of agriculture and mechanic arts in the respective

congressional districts of the state, and all schools so established are to be considered branches of the State College of Agriculture. The bill further provides for the course of study, work of students and their support, and the funds to establish and maintain the schools. Georgia further appropriated ('06 p.10) \$100,000 for buildings for the University of Georgia. The same commonwealth ('06 p.75) authorizes and organizes an agricultural, industrial and normal college in South Georgia, which however is to be considered a branch of the University of Georgia.

Iowa ('06 ch.185) provides for agricultural extension and experiment work by the Iowa State College of Agriculture and Mechanic Arts, and makes an appropriation therefor.

New York ('06 ch.682) authorizes the establishment of a state school of agriculture in St Lawrence University and makes an appropriation for the erection and equipment of the necessary buildings. The board of trustees of St Lawrence University has general care, supervision and control of the school.

**Miscellaneous.** Massachusetts ('06 ch.502) provides that the school committee of every city and town in the commonwealth shall appoint one or more school physicians and assign one to each public school and provide them with all proper facilities for the performance of their duties, which duties are carefully set forth in the succeeding sections of the act. This act is a most important one in respect to the public health of children and will bear close investigation by the legislative authorities of other states.

South Carolina ('06 ch.18) enacts that the 18th of March, Calhoun's birthday, shall be known as South Carolina day and shall be a public holiday. The public schools of the state are required to observe the day with such exercises as will conduce to more general knowledge and appreciation of the history, resources and possibilities of the state.

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# New York State Library

Bulletin 114

LEGISLATION 34

## A SUMMARY OF THE COMPULSORY ATTENDANCE AND CHILD LABOR LAWS OF THE STATES AND TERRITORIES OF THE UNITED STATES

COMPILED BY

James D. Sullivan

*Chief, Attendance Division, N. Y. State Education Department*

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1907



*State Library, Albany, N. Y. April 2, 1907*

*Hon. A. S. Draper*

*Commissioner of Education*

DEAR SIR: I have the honor to transmit herewith and recommend for publication *A Summary of the Compulsory Attendance and Child Labor Laws of the States and Territories of the United States*, compiled by Mr James D. Sullivan, Chief of the Attendance Division of the New York State Education Department. This compilation belongs naturally to the legislation series of State Library publications and we should be very glad to have it appear as one of that series.

Very respectfully

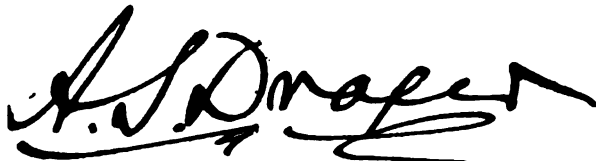
EDWIN H. ANDERSON

*Director*

*State of New York*  
**Education Department**  
COMMISSIONER'S ROOM

*Albany, April 2, 1907*

I have satisfaction in approving for publication this comprehensive presentation of the compulsory attendance and child labor laws of the country. The subject is one of continually increasing importance and concern and the vast and intelligent labor which the author has put upon the work can not fail to render substantial service to a good cause in all the states, territories and insular dependencies of the Union.

A handwritten signature in dark ink, appearing to read 'A. S. Draper', with a stylized flourish at the end.

*Commissioner of Education*





**New York State Education Department**

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# New York State Library

**Bulletin 114**

**LEGISLATION 34**

**A SUMMARY**

**OF THE**

## **COMPULSORY ATTENDANCE AND CHILD LABOR LAWS OF THE STATES AND TERRITORIES OF THE UNITED STATES**

**COMPILED BY**

**James D. Sullivan**

*Chief, Attendance Division, N. Y. State Education Department*

### **INTRODUCTION**

The provisions of the various child labor and compulsory attendance laws of the states are herein grouped under proper heads in condensed form, yet in sufficient detail to meet the wants of any person who may desire to obtain, in brief time, a birdseye view of the entire field. If more complete information is desired the citations given will direct the reader to the full text of each statute.

Some of these laws provide the necessary machinery and penalties for their effective enforcement, while other statutes lack such machinery to an extent that would make their enforcement difficult, if not altogether render the law inoperative. Therefore convenient opportunity is herein afforded for interesting comparison of statutes with a view to amending defective laws.

That only 13 states and territories are yet without attendance and child labor laws is indicative of the progress made during the

last decade in the effort to protect children in their rights to at least a common school education. The fact that within our borders more than 2,000,000 children under age are found at work in gainful employments and even a larger number are not in attendance upon the schools should inspire every state to have upon its statute books stringent laws for the protection of its children, and to see that such laws are enforced completely and effectively.

The fact that there were in the United States in 1900, as shown by the federal census, 6,246,857 persons 10 years of age and above unable to read or write any language, 579,947 of whom were children between the ages of 10 and 14, should have inspired the last Congress to have given the Beveridge-Parsons child labor bill a better fate than to have been strangled in committee; yet the fact that a bill, embodying the principle that the 66,072 illiterate children in Alabama, whose very lives are being ground out in its mills, are entitled to their chance equally with the children of New York or Massachusetts, was even introduced is not without its encouragement.

In the following states, public school moneys may be withheld for nonenforcement of attendance laws: New York, Massachusetts, Pennsylvania, Washington and Rhode Island.

J. D. S.

#### ILLITERACY IN THE UNITED STATES IN 1900

NUMBER OF ILLITERATE CHILDREN BETWEEN 10 AND 14 YEARS OF AGE	NUMBER OF ILLITERATES 10 YEARS OF AGE AND ABOVE
1 Wyoming..... 72	1 Wyoming..... 2 878
2 Oregon..... 175	2 Nevada..... 4 645
3 Idaho..... 209	3 Idaho..... 5 505
4 Utah..... 220	4 Utah..... 6 141
5 Nevada..... 275	5 Oregon..... 10 686
6 Vermont..... 287	6 Montana..... 11 675
7 Washington..... 340	7 North Dakota..... 12 719
8 Montana..... 374	8 Washington..... 12 740
9 Hawaii..... 394	9 South Dakota..... 14 832
10 District of Columbia... 398	10 Oklahoma..... 15 774
11 Nebraska..... 412	11 Vermont..... 16 247
12 Connecticut..... 436	12 Delaware..... 17 531
13 South Dakota..... 472	13 Colorado..... 17 779
14 New Hampshire..... 557	14 Nebraska..... 17 997

## ILLITERACY IN THE UNITED STATES IN 1900—(continued)

NUMBER OF ILLITERATE CHILDREN BETWEEN 10 AND 14 YEARS OF AGE		NUMBER OF ILLITERATES 10 YEARS OF AGE AND ABOVE			
15	Rhode Island.....	691	15	District of Columbia ..	20 028
16	Colorado.....	742	16	New Hampshire.....	21 075
17	North Dakota.....	836	17	Alaska.....	23 311
18	Delaware.....	845	18	Arizona.....	27 307
19	Kansas.....	878	19	Rhode Island.....	29 004
20	Iowa.....	883	20	Maine.....	29 060
21	Maine.....	1 255	21	Kansas.....	32 513
22	California.....	1 279	22	Iowa.....	40 172
23	Oklahoma.....	1 295	23	Hawaii.....	42 340
24	Minnesota.....	1 365	24	Connecticut.....	42 973
25	Indiana.....	1 453	25	New Mexico.....	46 971
26	Massachusetts.....	1 547	26	Indian Territory.....	52 052
27	Wisconsin.....	1 688	27	Minnesota.....	52 946
28	Michigan.....	1 744	28	California.....	58 959
29	Alaska.....	1 903	29	Wisconsin.....	73 779
30	Ohio.....	2 048	30	West Virginia.....	80 105
31	New Jersey.....	2 069	31	Michigan.....	80 482
32	Arizona.....	2 592	32	Florida.....	84 285
33	Illinois.....	4 044	33	New Jersey.....	86 658
34	New Mexico.....	4 354	34	Indiana.....	90 539
35	New York.....	4 740	35	Maryland.....	101 947
36	West Virginia.....	5 819	36	Ohio.....	131 541
37	Maryland.....	5 859	37	Massachusetts.....	134 043
38	Pennsylvania.....	6 326	38	Missouri.....	152 844
39	Florida.....	8 389	39	Illinois.....	157 958
40	Missouri.....	11 660	40	Arkansas.....	190 655
41	Indian Territory.....	12 172	41	Kentucky.....	262 954
42	Kentucky.....	21 247	42	Pennsylvania.....	299 376
43	Arkansas.....	26 972	43	Tennessee.....	306 930
44	Virginia.....	34 612	44	Virginia.....	312 120
45	Texas.....	35 491	45	Texas.....	314 018
46	Tennessee.....	36 375	46	New York.....	318 100
47	Mississippi.....	44 334	47	South Carolina.....	338 659
48	North Carolina.....	51 190	48	Mississippi.....	351 461
49	South Carolina.....	51 536	49	Louisiana.....	381 145
50	Louisiana.....	55 691	50	North Carolina.....	386 251
51	Georgia.....	63 329	51	Alabama.....	443 590
52	Alabama.....	66 072	52	Georgia.....	480 420
Total.....		579 947	Total.....		6 246 857

## ABBREVIATIONS

Amdt.	Amendments	Crim. S.	Criminal Statutes
Ann.	Annotations	G. L.	General Laws
Ann. L.	Annotated Laws	G. S.	General Statutes
Ann. S.	Annotated Statutes	gen.	general
art.	article	L.	Laws
C.	Code	P. C.	Political Code
C. C.	Civil Code	P. S.	Public Statutes
C. L.	Compiled Laws	Pen. C.	Penal Code
C. S.	Compiled Statutes	R. C.	Revised Code
ch.	chapter	R. L.	Revised Laws
Const.	Constitution	R. S.	Revised Statutes
Crim. C.	Criminal Code	S.	Statutes
Crim. P.	Code of Criminal Pro- cedure	t.	title

## ALABAMA

## No compulsory attendance law

## Common school laws

Age at which children may be admitted to public school. 7-21.

Const. art. 13 §1

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading, penmanship, elements of English grammar, practical arithmetic through fractions, primary geography and elementary principles of physiology and hygiene, with special reference to effect of alcohol and narcotics on the human system, history of United States, Constitutions of United States and state of Alabama, etc.

C.1896 §3577-78; *see also* §3546

## Deaf, dumb and blind children

All deaf, dumb and blind children between 7 and 21 may be admitted to Alabama Institute for Deaf and Dumb, or Alabama Academy for Blind, for term of 10 years, which may be extended 4 years, but shall not extend beyond 25th birthday.

L.1903 p.47

All negro deaf mute and blind children may be admitted to Alabama School for Negro Deaf Mutes and Blind under same conditions as above.

*Idem*

## Delinquent and dependent children

Delinquent and dependent children between 6 and 18 may be committed to Alabama Industrial School until 21st birthday.

L.1898-99 p.158

## Child labor

**Prohibited employments.** No child under 12 shall be employed in any factory or manufacturing establishment, unless he has widowed mother or disabled father, dependent upon him for support or is an orphan. No child under 10 shall be so employed under any circumstances.

L.1903 p.68

No woman and no boy under 12 may be employed in a mine. C.1896 §2933

Employment of minors in saloons is prohibited. Crim.C. §5080

**Exceptions.** Indigent children between 10 and 12 may be employed in factory or manufacturing establishment. [See "Prohibited employments"]

L.1903 p.68

**Certificates of age or schooling.** It is unlawful for a factory or manufacturing establishment to employ any child unless there is on file in the office of the employer, affidavit of parent certifying age and date of birth of child.

*Idem*

**Hours of labor during day and week.** No child under 12 may be employed in a factory or manufacturing establishment more than 66 hours in one week.

*Idem*

**Night work prohibited.** No child under 13 shall be employed in such establishments between 7 p. m. and 6 a. m. No child under 16 shall be so employed more than 48 hours in one week.

*Idem*

**Penalty for violation by employer.** For violating labor law there is a fine of not more than \$200. Persons furnishing false certificates of age may be fined not less than \$5 nor more than \$100 or sentenced to hard labor for term not exceeding 3 months.

*Idem*

**By whom enforced.** Mining inspectors enforce law relating to mines.

C.1896 §2934

## ALASKA

### Common school law

The Secretary of the Interior shall make proper provisions and regulations for the education of all children of school age in the district of Alaska, without reference to race, and their compulsory attendance at school, until such time as permanent provision shall be made for the same.

U. S. S. at Large 23: 27; C. p.140

**Subjects taught in common schools.** All instruction shall be in the English language. Special effort shall be made to train pupils in the use of English in speaking, reading and writing. As soon as possible after enrolment in school, pupils should be taught thoroughly how to add, subtract, divide and multiply with small numbers. They should be taught elementary geography; plans of the schoolroom and outline maps of the village should be drawn. [Rules and Regulations issued by W. T. Harris, United States Commissioner of Education]

Physiology and hygiene, with special reference to effect of alcohol and narcotics shall be taught.

L.1886

### No child labor law

**Prohibited employments.** Employment of minors under 21 in saloons is prohibited.

Carter's Alas. C.1900 pt2 §478

## ARIZONA

### Compulsory attendance law

**Compulsory school age.** 8-14.

R.S.1901 §2231-35

**Period of compulsory attendance.** 12 weeks in each year, 6 of which shall be consecutive.

*Idem*

**Exemptions.** Children are exempt if they attend private school, receive equivalent instruction at home, have already acquired branches of learning taught in public schools, are physically or mentally incompetent, indigent, or if no school is taught within  $2\frac{1}{2}$  miles of residence of child. *Idem*

**Amount of fine imposed on parent.**<sup>1</sup> Fine of not less than \$5 nor more than \$25. *Idem*

**Disposition of fine.** Placed to credit of school fund. *Idem*

**Law enforced by whom.** Clerk of school district furnishes list of children between 8 and 14 not in attendance, to peace officers, who prosecute offending parents. *Idem*

#### Common school law

**Age at which children may be admitted to public school.** 6-21.

*Idem* §2211, 2227

**Subjects taught in public school.** Reading, writing, orthography, arithmetic, geography, grammar, history of United States, elements of physiology and hygiene, including nature of alcoholic drinks and narcotics and their effect on the human system, elements of bookkeeping, industrial drawing, etc. *Idem* §2214

**Kindergartens.** Boards of trustees on vote of qualified electors may establish kindergartens for children under 6. *Idem* §2181

#### Deaf, dumb and blind children

It is the duty of the territorial board of education to enter into contract with adjacent states or territories having institutions, for education of indigent deaf, dumb and blind children. *Idem* §2267

#### Delinquent and dependent children

**Reform school for juvenile offenders between 8 and 16.** *Idem* §3733

Such schools may be established in cities. *Idem* §716 ¶50

**Dependent children may be committed to reform school.** *Idem* §3733

And may be removed from custody of parent. L.1905 ch.16

#### No child labor law

**Prohibited employments.** No child under 16 shall be employed in public exhibitions, mendicant or wandering business, etc. Pen.C. §242

**Hours of labor.** Hours of labor in all underground mines or workings, eight. L.1903 act 8

### ARKANSAS

#### Compulsory attendance law

No law except provision of labor law requiring children under 14 to attend school 12 weeks in each year, 6 of which shall be consecutive, before they may be employed in a factory or manufacturing establishment.

Acts 1903 no.127; Digest S.1904 §1947-52

<sup>1</sup> The term "parent" wherever it occurs includes the guardian or other person having lawful control of a child.

### Common school law

**Age at which children may be admitted to public school.** 6-21.

Digest S.1904 §7484

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading, penmanship, mental and written arithmetic, English grammar, modern geography, history of United States, physiology and hygiene with special reference to effect of alcohol and narcotics on human system.

*Idem* §7569-70

### Deaf, dumb and blind children

All blind persons between 6 and 26 are entitled to benefit of institution for blind free of charge.

*Idem* §4243

All deaf mutes between 6 and 21 are entitled to benefit of Arkansas Deaf Mute Institute.

*Idem* §4142-57

Period of attendance may be extended to 13 years.

L.1905 act 276

### Child labor

**Prohibited employments.** No child under 12, unless he has widowed mother or disabled father dependent upon him for support or is an orphan, and no child under 10 under any circumstances may be employed in a factory or manufacturing establishment.

Digest S.1904 §1947

No child under 14 may be so employed unless he has attended school for the required period and is able to read and write his or her name and simple sentences in the English language.

*Idem* §1950, 1951

No child under 14 and no female of any age may be employed in a mine.

*Idem* §5343

No boy between 14 and 16 may be employed in a mine unless able to read and write.

*Idem* §5343

**Exceptions.** Indigent children over 10 may be employed in a factory or manufacturing establishment.

*Idem* §1947

**Educational qualifications.** No child under 14 shall be employed in any factory or manufacturing establishment unless able to read and write his or her name and simple sentences in the English language.

*Idem* §1950

No child under 14 shall be employed in any factory or establishment unless such child attends school for at least 12 weeks in each and every year, 6 weeks of which shall be consecutive, the year to be counted from last birthday of child, preceding such employment.

*Idem* §1951

No boy between 14 and 16 may be employed in a mine unless able to read and write.

*Idem* §5343

**Certificates of age and schooling.** No child may be so employed in a factory or manufacturing establishment unless there is placed on file with employer affidavit of parent certifying age and date of birth of child, and no child under 14 may be so employed unless there is filed with such employer at the end of every year a certificate of attendance at school signed by the teacher.

*Idem* §1948, 1951

**Hours of labor during day and week.** No child under 14 shall be employed in a factory or manufacturing establishment for more than 60 hours in one week or more than 10 hours in any one day.

*Idem* §1949

**Night work prohibited.** No child under 14 shall be so employed between the hours of 7 p. m. and 6 a. m. *Idem* §1949

**Penalties for violation by employer.** For employing child who is under age or has not attended school for the required time, fine of \$500. *Idem* §1952

For illegally employing child in a mine, fine of not less than \$25 nor more than \$500. *Idem* §5358

Persons furnishing false certificate of age are guilty of perjury. *Idem* §1948

## CALIFORNIA

### Compulsory attendance law

**Compulsory school age.** 8-14. S. & Amdt. to C. 1905 ch.333

**Period of compulsory attendance.** During school sessions. *Idem*

**Exemptions.** Children are exempt if physically and mentally incompetent, attend private school, or have private tutor, are taught at home by competent person in common school branches, completed grammar school course, live more than 2 miles from school, or between 12 and 14 years of age and granted permit by proper judicial officer, in accordance with §2 of the child labor law or attendance impracticable or dangerous, owing to storm or other sufficient cause [see "Exceptions," Child labor law]. *Idem*

**Amount of fine imposed on parent.** Fine of not more than \$10 and not more than 5 days' imprisonment, first offense. For each subsequent offense not less than \$10 nor more than \$50 and not less than 5 nor more than 25 days' imprisonment, or both. S. & Amdt. to C. 1903 ch.270

**Disposition of fine.** Fines placed to credit of school, or parental school fund. *Idem*

**Law enforced by whom.** Attendance officer, board of education or board of trustees. *Idem*

**Attendance officers: how appointed.** Board of education of any city or city and county may appoint attendance officers. *Idem*

**Truant or parental schools.** The board of education of any city, or city and county, may establish truant or parental schools for truants between 8 and 14, unless parent enters into bond for \$200, conditioned that child shall attend school regularly. Truant may be committed for term not to exceed remainder of current school year. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21. P. C. 1903 §1662

**Subjects taught in public school.** Reading, writing, orthography, arithmetic, geography, nature study, language and grammar, with special reference to composition, history of United States and civil government, elements of physiology and hygiene, with special reference to effect of alcohol and narcotics on human system, music, drawing, elementary bookkeeping, etc. *Idem* §1665

**Kindergartens.** In cities and towns where established, children may be admitted at age of 4 years. *Idem* §1662

**Night schools.** May be established in cities of the fifth class. L. 1899 §798



**Deaf, dumb and blind children**

Board of education of every city or county, or of every school district is authorized to establish class for pure oral instruction of deaf children between 3 and 21 years of age. P. C. §1618

Every deaf, dumb and blind person of suitable age and capacity is entitled to admission to California Institution for Deaf, Dumb and Blind free of charge. *Idem* §2238; S. & Amdt. to C. 1905 ch.382

Attendance is compulsory for term of five years unless receiving instruction elsewhere. Parents violating law guilty of misdemeanor.

Gen. L. 1906 act 3574

**Delinquent and dependent children**

Juvenile Court and probation officers. Delinquent children under 16 may be placed under supervision of probation officer placed in suitable family home or committed to Institution of State Reform School during minority. Dependent children under 16 may be committed to institution or placed in care of citizen of good moral character.

S. & Amdt. to C. 1905 ch.610

**Child labor**

**Prohibited employments.** No child under 14 shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. S. & Amdt. to C. 1905 ch.18

Employment of minor under 16 in any gainful occupation is prohibited during period school is in session, unless such minor is able to read and write English, etc., or attends night school. *Idem*

Employment of child under 16 in occupations dangerous to health or morals is prohibited. Pen. C. p.614

No minor under 18 may visit a saloon. Pen. C. §397b

**Exceptions.** Judge of Juvenile Court or where there is no Juvenile Court judge of Superior Court may issue permit, which shall be kept on file by employer, authorizing employment of child over 12, whose parents are incapacitated for labor through illness, for such period as may seem necessary to such judge. Probation, truant officer or other competent person appointed by judge investigates such cases. Child over 12 may be employed in above mentioned occupations during vacation of the public schools, if he has permit signed by principal of school where he attended the previous term, which permit shall contain name and age of child and must be kept on file by employer. S. & Amdt. to C. 1905 ch.18

Law does not apply to minors employed at agricultural, horticultural, viticultural or domestic labor during period school is not in session or during other than school hours. *Idem*

**Educational requirements.** No child under 16 may be employed in any gainful occupation during hours school is in session unless he can read English at sight and write legibly and correctly simple sentences in the English language; or attends night school during the then current term. *Idem*

**Certificates of age or schooling.** Employer of minors between 14 and 16 in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, shall have on file age and schooling certificate, approved by superintendent of schools of city or city and county, etc., or principal of school of recognized standing, which shall not be approved until satisfactory evidence of age is furnished by last school census, certificate of birth or baptism, public register of birth or in some other manner. Certificate giving birthplace and age shall be signed by parent or—if not living—by child. Employer also required to keep record of name, age and residence of minors between 14 and 16 employed by him. *Idem*

**Hours of labor during day or week.** Minors under 18 shall not be employed in manufacturing, mechanical or mercantile establishments or other place of labor more than 9 hours in one day or 54 hours in one week. Employer is required to post notice to that effect. *Idem*

**Exceptions: work allowed overtime.** When necessary to make repairs to prevent interruption of ordinary running of machinery or where different apportionment of hours of labor is made for sole purpose of making shorter day's work for one day in the week, but in no case shall the hours of labor exceed 54 in one week.

**Night work prohibited.** No minor under 16 may be employed in a mercantile institution, office, laundry, manufacturing establishment or workshop between the hours of 10 o'clock in the evening and 6 o'clock in the morning. *Idem*

**Penalties for violation by employers.** For illegal employment of child, fine of not less than \$50 nor more than \$200 or imprisonment not more than 60 days or both. Persons making false statements in certificates may be fined not less than \$5 nor more than \$50 or imprisoned not more than 30 days or both. *Idem*

**Disposition of fines.** Paid into school funds. *Idem*

**What constitutes evidence of violation.** Failure to produce age or schooling certificate, or permit, or to post notices, prima facie evidence of illegal employment. *Idem*

**Law enforced by whom.** Commissioner of Bureau of Labor Statistics enforces act but any person may lay information before a magistrate. *Idem*

## COLORADO

### Compulsory attendance law

**Compulsory school age.** 8-16. Mills Ann. S. R. Sup. 1891-1905 §4047a

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, are instructed at home, or physically and mentally incompetent, or over 14 years of age and have completed eighth grade or eligible to enter high school, indigent, or where it would be for best interests of such child to be relieved from the provisions of the law. *Idem* §4047a

In case child has to support himself and parent, poormaster shall aid him and child shall be sent to school 3 hours daily. If parents refuse such aid, child may be committed to children's home or juvenile reformatory.

*Idem* §4047h

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$20, or may be required to give bond in sum of \$100. On failure to pay such fine or furnish such bond may be imprisoned in county jail not less than 10 nor more than 30 days. *Idem* §4047f

**Disposition of fine.** Placed to credit of school district. *Idem* §4047f

**Law enforced by whom.** Truant officer. *Idem* §4047e

Or agent of board of education. *Idem* §4015l

**Attendance officers: how appointed.** Board of school directors in districts of the first and second class shall appoint truant officers. *Idem* §4047e

**Truant or parental schools.** In cities having population of 100,000 inhabitants or more, there shall be established parental schools for habitual truants. Term of commitment: until they arrive at 14th birthday. *Idem* §4015h, m

Cost of maintenance is to be borne by parent. *Idem* §4015n

Cities having population of over 25,000 and less than 100,000 may, on majority vote of people at general election, establish such schools. *Idem* §4015s

#### Common school law

**Age at which children may be admitted to public school.** 6-21. Const. art. 9 §2

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading, writing, arithmetic, English grammar, geography, history and Constitution of United States and Colorado, civil government, etc. Physiology and hygiene with special reference to effect of alcohol and narcotics on human system shall be taught.

Mills Ann. S. R. Sup. 1891-1905 §3979, 4043

If parents of 20 or more children so demand, school district board may introduce German and Spanish language, also gymnastics. *Idem* §4043

**Kindergartens.** May be established by school board or school district for instruction of children between 3 and 6. *Idem* §4015g

#### Deaf, dumb and blind children

Every blind, deaf and mute child over 6 and under 21 is entitled to education at Colorado school for deaf and blind, at state expense.

*Idem* §3250-53

#### Delinquent and dependent children

Juvenile Court and probation officers. Delinquent children under 16 may be committed to care of probation officer, placed in suitable family home or committed to state industrial school for boys or girls, but in no case shall term of commitment extend beyond 21st birthday. Dependent children under 16 may be committed to State Home in Denver for dependent children. Object of home is to provide temporary home until they can be placed in family homes. *Idem* §422a-s j; 4047g

#### Child labor

**Prohibited employments.** No child under 14 may be employed in any underground works or mine, smelter, mill or factory. *Idem* §2801 ea-ka

No child under 14 may be employed by any person, company or corporation while school is in session, unless parents have complied with the law relating to compulsory attendance and furnish proof of such attendance to employer.

*Idem* §4047b

No child between 14 and 16 may be employed who is unable to read at sight and legibly write the English language, unless he complies with educational requirements mentioned below.

*Idem* §4047c

Employment of child under 14 in concert hall where intoxicating liquors are sold, or in occupations dangerous to health or morals is prohibited.

*Idem* §409

No minor under 18 may be employed as a telegraph operator.

L. 1891 p.280

**Exceptions.** See "Exemptions" Compulsory attendance law.

**Educational requirements.** Minors between 14 and 16 who can not read at sight and write legibly simple sentences in the English language shall attend school one half of each day, attend public night school or take private instruction from qualified person until they obtain certificate from county superintendent of school that they are able to do so.

*Idem* §4047c

Employer may with approval of county superintendent of schools furnish private instruction to minors in his employ.

*Idem* §4047c

**Certificates of age or schooling.** Parents of children under 14 are required to furnish proof of attendance at school for required period to employer who shall keep written record of such proof.

*Idem* §4047b

Employer of minor between 14 and 16 shall exact as a condition of employment the school attendance or instruction required by law [see "Educational requirements"].

*Idem* §4047c

**Hours of labor during day or week.** No child of the age of 16 or less may be employed in any mill, factory, manufacturing establishment, shop or store, or in or about any coal or other mines or other dangerous occupation, more than 8 hours in 24. All paper mills, cotton mills and factories where wearing apparel for men or women is made, ore reduction mills or smelters, factories, shops of all kinds and stores may be held to be unhealthful and dangerous occupations in the discretion of the court.

*Idem* §2801 e2-k2

Labor in mines shall not exceed 8 hours a day.

L. 1905 ch.119

**Exceptions: work allowed overtime.** Employment of children under 16 in above mentioned employments is permitted where life or property is in imminent danger or during week before and following Christmas day.

Mills Ann. S. R. Sup. 1891-1905 §2801 e2-k2

County judge in his discretion may exempt children between 14 and 16 from provisions of act.

*Idem*

**Penalties for violation by employer.** For employing child under 14 during period school is in session or employing child between 14 and 16 years of age who has not certificate of county superintendent of schools certifying that he is able to read and write, fine of \$25 and not more than \$100.

*Idem* §4047b-c

For unlawfully employing child under 14 in underground works or mine, smelter, mill or factory, fine of not less than \$50 nor more than \$500 and imprisonment in county jail for not less than 30 days nor more than 3 months.

*Idem* §2801 e2-k2

For violation of law regulating hours of labor, fine of not less than \$100 nor more than \$500 or imprisonment in county jail for not less than 2 nor more than 4 months, or both. *Idem* §2801 e2-k2

**Law enforced by whom.** District attorney on complaint of citizen is required to prosecute employers. *Idem* §2801 e2-k2

Attendance officer may prosecute. *Idem* §4047e

## CONNECTICUT

### Compulsory attendance law

**Compulsory school age.** 7-16. R. S. 1902 §2116

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private school, which must keep register of attendance; receive instruction in studies taught in public school, are over 14 and lawfully employed at home or elsewhere, indigent, or physically and mentally incompetent. *Idem* §2116-18

**Amount of fine imposed on parent.** Each week's failure, a distinct offense, punishable by fine not to exceed \$5. *Idem* §2117

**Law enforced by whom.** Police in cities and bailiffs, constables, sheriffs in respective precincts. *Idem* §2122-24

**Attendance officers: how appointed.** Every town and the mayor and aldermen of every city may make bylaws concerning habitual truants between 7 and 16 and may appoint three or more persons who shall be authorized to prosecute for violations. Police in cities and bailiffs, constables, sheriffs etc. in respective precincts shall arrest all habitual and incorrigible truants. *Idem* §2122-24

Board of school visitors shall be appointed in every town, composed of 3, 6 or 9 members. *Idem* §2132-33

Such board shall visit schools at least twice during term. *Idem* §2165

### Common school law

**Age at which children may be admitted to public school.** All children over 5. *Idem* §2130

**Subjects taught in public school.** Reading, spelling, writing, English grammar, geography, arithmetic and United States history, and such other studies including elementary science and training in manual arts as may be prescribed by board of school visitors or town school committee. *Idem* §2130

Duties of citizenship shall be taught. L. 1903 ch.96

Physiology and hygiene, with special reference to effect of alcohol and narcotics on human system shall be taught. L. 1901 ch.81

**Kindergartens.** May be established by any town or school district for instruction of children over 3. R. L. 1902 §2131

**Night schools.** Every town or school district having 10,000 or more inhabitants shall establish evening schools for instruction of persons over 14 and towns having less than 10,000 may by vote establish such schools. L. 1903 ch.135; R. L. 1902 §2145-49

### Deaf, dumb and blind children

All blind residents of suitable age and capacity shall on vote of three members of Board of Education for Blind receive instruction, free of charge, for such time as board deems expedient. Board may compel attendance of such child and may contract with institution having facilities for instruction of blind. R. L. 1902 §2285-95

Selectmen of each town shall return to Governor number of deaf, dumb and blind, with age, sex and pecuniary circumstances of each. *Idem* §1831

Appropriation made in 1901, 1903 and 1905 for education and support of deaf and dumb.

### Delinquent and dependent children

Judge of every Superior Court and of every Criminal Court of Common Pleas may and judge of every District, Police, City, Borough and Town Court shall appoint probation officers. Pub. Acts 1905 ch.142

Habitual truants and incorrigibles between 7 and 16 may be sent to institution of instruction or correction, or house of reformation for term not to exceed 3 years; or if child be not less than 10 to Connecticut school for boys or industrial school for girls. R. L. 1902 §2125-29

There shall be provided in every county, temporary homes for neglected children between 4 and 18 until such children may be placed in family home. In each county the county commissioner, with one member of State Board of Charities and one member of State Board of Health constitutes board for organization, supervision etc. of such temporary homes.

*Idem* §2788-806

### Child labor

**Prohibited employments.** No child under 14 may be employed in a mechanical, mercantile or manufacturing establishment. R. S. 1902 §4704

No child under 14 may be employed while school is in session. *Idem* §2119

Employment of child under 12 in occupations dangerous to health or morals is prohibited. *Idem* §1163

No child between 14 and 16 may be employed unless he has sufficient schooling. Pub. Acts 1905 ch.36

No child under 16 may operate an elevator. R. S. 1902 §2614

No minor may be employed in a saloon. §2682

**Educational requirements.** Child between 14 and 16 who can not read and write must produce, every school month of 20 days, certificate of teacher to effect that he attended evening school 18 consecutive evenings in current school month and is a regular attendant, if employed in a town where public evening schools are established. R. S. 1902 §2147

Whenever school visitors, town school committee, board of education or State Board of Education shall decide that a child between 14 and 16 has not sufficient schooling to be employed, he must attend school until he earns leaving certificate, certifying that his education is satisfactory.

Pub. Acts 1905 ch.36

**Certificates of age or schooling.** Employer of child under 16 in mechanical, mercantile or manufacturing establishments required to have on file certificate to effect that he is over 14. Such certificate must be signed by registrar of births, etc., or town clerk, where there is public record of child's birth, or teacher of school, which child last attended, or person having custody of the register of said school. If child was not born in the United States, State Board of Education may investigate and if child appears to be over 14 may grant certificate which may be accepted as evidence. Parent shall state under oath to secretary etc. of State Board of Education, date of birth and shall present family record, passport or other documentary evidence that board may require showing age of child. L. 1905 ch.115

**Hours of labor during day and week.** No minor under 16 and no woman shall be employed in any manufacturing, mechanical or mercantile establishment more than 10 hours a day or 60 hours in one week. Employer required to post notice to that effect. R. S. 1902 §4691

**Exceptions: when work allowed overtime.** When necessary to make repairs to prevent interruption of ordinary running of machinery, or to make different apportionment of hours of labor for sole purpose of making shorter day's work for one day of week, but in no case shall hours of labor exceed 60 a week. *Idem* §4691

**Penalties for violation by employer.** For violating labor law, fine of not more than \$60. Each week of employment constitutes separate offense. *Idem* §4706-7

For employing children during hours school is in session, fine of not more than \$20 for each week child is so employed. Parents making false statement as to age of child may be fined not more than \$20. R. S. 1902 §2119-20

For violating law regulating number of hours of labor, employer or parent may be fined not more than \$20. *Idem* §4691

For failure to keep on file certificates, or show same when required, fine of \$100. L. 1905 ch.115

**Law enforced by whom.** State Board of Education, school visitors, boards of education and town school committees enforce labor laws and State Board of Education may appoint agents for such purpose. Such agents may be directed by board to enforce law requiring attendance at school. R. S. 1902 §4707

School visitors or town school committee shall once or more every year examine into situation of children employed in a manufacturing establishment to ascertain whether provisions of law are being enforced and report violations to prosecuting authority. *Idem* §2121

## DELAWARE

### Compulsory attendance law

No compulsory attendance law, except provision of child labor law, which requires that a child between 14 and 16, before he may be employed in a factory, workshop or establishment where the manufacture of any goods whatever is carried on, must have attended within the 12 months immediately preceding such employment, some public day or night school or well recognized school 5 days or evenings every week during a period of 12 consecutive weeks etc. L.1905 ch.123

### Common school law

**Age at which children may be admitted to public schools.** All children over 6. R.C.1852-93 p.325

**Subjects taught in public schools.** Reading, writing, arithmetic, English grammar and such other branches of knowledge as deemed necessary.

*Idem* p.325

Pupils shall receive instruction in physiology and hygiene, with special reference to the effect of alcohol and narcotics on the human system.

*Idem* p.347

### Deaf, dumb and blind children

Judges of Superior Courts recommend indigent deaf, dumb and blind pupils to Governor, who shall cause persons to be admitted to institutions, or to receive private instruction for period not to exceed 5 years, which may be extended 3 additional years where pupil is capable of making further improvement.

R.C.1852-93 p.389

Appropriation made in 1905, for education of indigent deaf, dumb and blind in institutions outside the state.

L.1905 p.29

### Delinquent and dependent children

Incorrigible boys between 9 and 16 may be sent to Ferris Reform School. Incorrigible girls between 12 and 21 may be sent to Delaware Industrial School for Girls.

R.C.1852-93 p.356-60

Home for Friendless and Destitute Children in the city of Wilmington.

*Idem* p.86

### Child labor

**Prohibited employments.** No child under 14 shall be employed in any factory, workshop or establishment where the manufacture of any goods whatever is carried on.

L.1905 ch.123

No child between 14 and 16 shall be employed in such establishments unless he has attended school the required period.

*Idem*

Employment of children under 15 in occupations dangerous to health or morals is prohibited.

R.C.1852-93 p.954

**Exceptions.** 1905 act does not apply to persons engaged in the canning or preserving of fruits, vegetables or provisions, or in the carrying on of any agricultural business or engaged in the manufacture of fruit and berry baskets.

L.1905 ch.123

Inspector of Labor may issue employment certificates to child under 16 who is means of support of a widowed mother.

*Idem*

**Educational requirements.** No child between 14 and 16 may be employed in any factory, workshop or establishment where the manufacture of any kind of goods whatever is carried on, unless within 12 months immediately preceding employment he shall have attended some public day or night school, or some well recognized school, 5 days or evenings every week during a period of at least 12 consecutive weeks, which may be divided into 2 terms of 6 consecutive weeks, if arrangement of school term will permit.

*Idem*



**Certificates of age or schooling.** Employers of children in above mentioned establishments required to keep register containing name, age, date of birth and place of residence of every child under 16 employed, and it is unlawful to employ a minor under 16 unless the parent furnish sworn statement stating name, date of birth and place of residence of such minor. Every child between 14 and 16 or his parent required to furnish certificate to such employer, giving name of parent, child's name and number of school attended, number of weeks' attendance, signed by the teacher, provided in case age of child be not known, teacher shall certify age to be true age. *Idem*

Factory Inspector may require certificate of physical fitness from regularly licensed physician where child under 16 appears unable to do the work and may prohibit such employment. *Idem*

**Hours of labor during day and week.** For children under 16 in above named establishments not more than 9 hours per day or 54 hours per week with 30 minutes at noon. Employer is required to post notice to that effect. *Idem*

**Penalty for violation by employer.** For violating labor law, fine of not less than \$50 nor more than \$100, for each and every offense. *Idem*

**Law enforced by whom.** Factory Inspector. *Idem*

## DISTRICT OF COLUMBIA

### Compulsory attendance law

**Compulsory school age.** 8-14. S. U.S. 1906 pt I ch. 3054 p. 219

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school which attendance shall not be credited unless attendance officer receives certificate of person in charge of school to that effect, or upon presentation of satisfactory evidence to superintendent of schools that child is instructed like period of time in common school branches, has already acquired such branches or is physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not more than \$20. For false statement concerning age or school attendance of child, fine not to exceed \$20. *Idem*

Persons inducing a child to be absent from school unlawfully or knowingly employing a child while school is in session may be fined not more than \$20. *Idem*

**Law enforced by whom.** Truant officers. May visit factories. *Idem*

**Attendance officers: how appointed.** By board of education of district of Columbia. *Idem*

**Truant or parental schools.** May be established by board of education for instruction of habitual truants between 8 and 14 until satisfactory evidence of improvement is furnished such board. *Idem*

### Common school law

**Subjects taught in public schools.** Reading, writing, English grammar, geography and arithmetic. *Idem*

Physiology and hygiene with special reference to effect of alcohol and narcotics on the human system shall be taught. Sup. R.S. U.S. 1874-91 1: 492

**Deaf, dumb and blind children**

Columbia Institution for education of indigent deaf and dumb.

U. S. C. S. 1901 p.3365-71

For provisions relating to education of blind see *idem*.

**Delinquent and dependent children**

Juvenile Court. Delinquent child under 17 may be committed to reform school for boys or girls, etc. Neglected child may be committed to care of children's guardians.

S. U.S. 1906 pt I ch.960 p.73

**No child labor law**

**Prohibited employments.** Employment of child under 14 in occupations dangerous to health or morals is prohibited. Penalty for violation, fine of not more than \$250 or imprisonment 2 years or both. C. 1905 §814

**Hours of labor during day and week.** 8 hours for all laborers and mechanics employed by government, etc. *Idem* §892

**FLORIDA****No compulsory attendance law****Common school law**

**Age at which children may be admitted to public school.** 6-21.

R. S. 1903 §348

**Subjects taught in public schools.** Reading, orthography, grammar and arithmetic (oral and written) physiology and hygiene, geography, history and civil government of Florida and United States and such lessons in music, drawing, nature study, manual training, domestic arts and sciences and agriculture as may be provided for in county course of study, etc.

L. 1903 ch.5206; *see also* Acts & Resolutions 1905 ch.5382

**Kindergartens.** May be established by county boards of public instruction and trustees of special tax school districts in communities guaranteeing attendance of 25 kindergarten pupils. Acts & Resolutions 1905 ch.5387

**Deaf, dumb and blind**

Deaf, dumb and blind residents between 6 and 21 may be admitted to Florida Institute for Blind, Deaf and Dumb. Must pay expenses, except tuition, if able to do so.

L. 1903 ch.5209

**Delinquent and dependent children**

Children between 10 and 18 convicted of offenses punishable by imprisonment in county jail may be committed by judge of Circuit Court to State Reform School until 21st birthday. Acts & Resolutions 1905 ch.5388

County judges may bind out as apprentice, child under 16 who has been adjudged a vagrant; also a poor child, for term not to extend beyond 21st birthday, if a boy, or 18th birthday, if a girl. R. S. 1903 §2968

**Child labor**

**Prohibited employments.** Whoever hires or employs or causes to be hired or employed any minor under 15, without the consent of those having lawful control, for more than 60 days, shall be punished by imprisonment not to exceed 60 days or fine not to exceed \$20.

R. S. 1903 §4101; *see also* L. 1899 ch.4721

**Hours of labor.** For manual labor 10 hours is a legal day's work.

R. S. 1903 §2970

**GEORGIA****No compulsory attendance law**

Except provision of child labor law, which requires that after January 1, 1908, no child under 14 shall be employed in any factory or manufacturing establishment unless able to write his or her name and simple sentences and shall have attended school for 12 weeks of preceding year, 6 of which shall be consecutive and no such child between 14 and 18 may be so employed unless he shall have attended school for 12 weeks of preceding year, 6 weeks of which shall be consecutive until he has passed public school age. This provision applies only to children entering such employment at 14 or less.

L. 1906 p.98

**Common school law**

**Age at which children may be admitted to public school.** 6-18.

C. 1895 §1378

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading, writing, English grammar, geography, arithmetic etc.

C. 1895 §1370

Physiology and hygiene with special reference to effect of alcohol and narcotics on human system shall be taught.

L. 1901 p.54

Principles of agriculture and civil government shall be taught.

L. 1903 p.64

Also history and Constitution of United States and Georgia.

L. 1903 p.53

**Evening schools.** May be established by board of education of any county for instruction of youth over 12 years of age, prevented by daily avocations from attending day school.

C. 1895 §1380

**Deaf, dumb and blind children**

Resident indigent blind, between 7 and 25 may be admitted to Academy for Blind free of charge.

C. 1895 §1307

All deaf persons between 7 and 25 may be admitted to Georgia School for Deaf free of charge.

Sup. C. 1901 §6349

**Delinquent and dependent children**

Child under 16, charged with a misdemeanor, may be committed during minority to industrial farms or similar institutions.

L. 1901 p.82

Vagrant and dependent child over 4 and under 14 may be committed until 16th birthday to Georgia Industrial Home.

L. 1904 p.93

### Child labor

**Prohibited employments.** No child under 10 may be employed in any factory or manufacturing establishment. This prohibition applies to child under 12 unless parent files in office of employer certificate to be granted for term not to exceed one year, of county ordinary (official title of probate judges of Georgia) certifying that child is without means of support or has widowed mother or disabled father dependent on his labor for support. After January 1, 1908, no child under 14 shall be employed in any factory or manufacturing establishment unless able to write his or her name and simple sentences, and shall have attended school for required period. No child between 14 and 18 shall be so employed unless he attends school for required period until he has passed public school age [see "Educational requirements"].

L. 1906 p.98

No minor may be employed in a saloon.

Pen. C. §445

Employment of child under 12 in occupation dangerous to health or morals prohibited.

Pen. C. §706

No minor under 18 may be employed as a telegraph operator.

C. C. 1895 v.2 §2237-38

**Educational requirements.** After January 1, 1908, no child under 14 shall be employed in any factory or manufacturing establishment unless able to write his or her name and simple sentences and shall have attended school for 12 weeks of preceding year, six of which shall be consecutive; and a child between 14 and 18 shall have attended school for 12 weeks of preceding year, 6 weeks of which shall be consecutive until he has passed public school age. Affidavit certifying such attendance shall be furnished employer by parent. These provisions apply only to children who entered such employment at 14 or less.

L. 1906 p.98

**Exceptions.** Indigent child, etc. over 10 in possession of permit of county ordinary.

*Idem*

**Certificates of age and schooling.** It is unlawful to employ any child in a factory or manufacturing establishment unless there is filed with employer affidavit signed by parent, certifying age and date of birth of such child and other facts required in this act.

*Idem*

After January 1, 1908, certificate of attendance of child, who entered employment at 14 or less must be furnished employer by parent.

*Idem*

**Hours of labor during day and week.** Hours of labor of all persons under 21 in all other (i.e. than cotton or woolen) manufacturing establishments or machine shops in this state shall be from sunrise until sunset, the usual times for meals being allowed. Hours of labor in cotton and woolen manufacturing establishments shall not exceed 11 per day.

C. C. 1895 §2619

**Night work prohibited.** After January 1, 1908, no child under 14 may be employed in factories and manufacturing establishments between the hours of 7 p.m. and 6 a.m.

*Idem*

**Penalties for violation.** Employers and parents violating labor law, guilty of misdemeanor.

*Idem*

Persons making false affidavits as to age etc. guilty of misdemeanor.

*Idem* Pen. C. 1895 §1039

## HAWAII

### Compulsory attendance law

**Compulsory school age.** 6-15.

School Laws 1905 §212

**Exemptions.** Children are exempt who are instructed by competent person at home, attend private school or are not less than 13 years of age and have passed required examinations of both primary and grammar school grades, are physically or mentally incompetent or where there is no school within 4 miles.

*Idem.*

**Amount of fine imposed on parent.** Fine not to exceed \$5 and in default of payment imprisonment at hard labor for term not to exceed 10 days. In case child is offender magistrate shall sentence him to reformatory or industrial school for term not less than 6 months nor more than 2 years or impose fine not to exceed \$2 or imprisonment for term not to exceed 5 days,

*Idem* §213

**Law enforced by whom.** Truant officers [Rules and regulations of Department of Public Instruction, in school law].

**Attendance officers: how appointed.** By school agent in any district subject to approval of Department of Public Instruction.

*Idem*

### Common school laws

**Subjects taught.** Department of Public Instruction may include agriculture and industrial pursuits among branches of instruction taught by public schools of the territory.

School Laws 1905 §224

The English language shall be the basis of instruction in all public and private schools.

*Idem* §211

**Kindergartens.** May be established by Department of Public Instruction.

*Idem* §207

**Night schools.** May be established by Department of Public Instruction.

*Idem*

### Delinquent and dependent children

Department of Public Instruction may establish industrial and reformatory schools in any part of the territory, where same are deemed necessary and prescribe rules and regulations for the government of such schools.

*Idem* §230-40

Incorrigible and dependent children under 15 years of age may be committed by district magistrates or circuit judges on representation of member of Department of Public Instruction, attorney general, sheriff etc. to industrial or reformatory school for minority.

*Idem*

Where it is found child is injurious to other inmates of such institutions he may be imprisoned, with or without hard labor, in public jail for term not exceeding unexpired residue of time for which minor may have been last committed to such school.

*Idem* §247

**Child labor**

Department of Public Instruction may bind out as apprentices, with their consent, children over 10 who shall be committed or surrendered for minority and who shall have been admitted at any industrial and reformatory school to such useful trades, etc., as suitable to their years and capacity. Such children may be put out to labor in families. *Idem* §241-42

**Prohibited employments.** No minor may be employed in a saloon.

L. 1905 act 67

**IDAHO****Compulsory attendance law**

**Compulsory school age.** 8-16.

L. 1905 p.1111

**Period of compulsory attendance.** Entire school year.

*Idem*

**Exemptions.** Children are exempt who attend private or parochial school, instructed at home by qualified person, over 14 years of age and have completed eighth grade, or are eligible to enter high school, physically or mentally incompetent, or indigent.

*Idem*

**Amount of fine imposed on parent.** Not less than \$5 nor more than \$25, first offense; not less than \$10 nor more than \$50, subsequent offense, with costs.

P. C. 1901 §1102

**Disposition of fine.** Placed to credit of school fund.

*Idem*

**Law enforced by whom.** School board. School trustees required to furnish principal list of children between 8 and 14 and principal must report to board of trustees and county superintendent names of children between 8 and 14 who failed to attend school previous month, and at expiration of 3 months parents violating law shall be prosecuted by board.

L. 1903 p.289; P. C. 1901 §1100-1

**Compulsory attendance law in government schools**

**Compulsory school age.** 5-18.

P. C. 1901 §1095

**Period of compulsory attendance.** 9 months or during annual term.

*Idem*

**Exemptions.** Children are exempt who attend public school, private school or are instructed at home in common school branches, where they reside 10 miles from school and transportation not furnished by state or government, are physically or mentally incompetent or indigent.

*Idem*

**Amount and disposition of fine imposed on parent.** Same as above.

**Common school law**

**Age at which children may be admitted to public school.** 6-21.

L. 1903 p.288

**Subjects taught in public school.** Teachers must qualify in following subjects: reading, writing, orthography, English grammar, geography and arithmetic, history of United States, physiology and hygiene with special reference to effect of alcohol and narcotics on human system, state Constitution, etc.

P. C. §1028; L. 1903 p.288; 1905 p.111

**Kindergartens.** May be established by school board for instruction of children between 3 and 6.

P. C. 1901 §1104

**Deaf, dumb and blind children**

State Board of Education shall contract with adjacent states or territories having institutions, for instruction of indigent deaf, dumb and blind children between 6 and 24. *Idem* §1109-14

**Delinquent and dependent children**

Probate Courts constitute Juvenile Court and may appoint probation officers. Delinquent children and habitual truants under 16 may be placed under supervision of sheriff or probation officer, placed in family home or committed to Idaho Industrial Reform School or other institution for term not to extend beyond 21st birthday.

*L. 1905 p. 106, 432; see also L. 1903 p. 13, 291*

**No child labor law**

**Prohibited employments.** No child under 14 may be employed in a mine. *Const. art. 13*

**ILLINOIS**

**Compulsory attendance law**

**Compulsory school age.** 7-14. *L. 1903 p. 308*

**Period of compulsory attendance.** While school is in session, which shall be not less than 110 days. *Idem*

**Exemptions.** Children are exempt who attend private school, are instructed by some competent person in elementary branches of education, or physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Not less than \$5 nor more than \$20 with costs of suit, and stand committed until paid. *Idem*

For making false statements as to age of child, fine of not less than \$3 nor more than \$20. *Idem*

**Disposition of fine.** To use of public schools. *Idem*

**Law enforced by whom.** Truant officers. *R. S. 1903 p. 1706*

**Attendance officers: how appointed.** By board of education in cities, towns, villages and school districts. *Idem*

**Truant or parental schools.** Shall be established in cities having 100,000 population and may be established in cities having 25,000 population. Truant may be committed until 14th birthday. *Idem p. 1732*

**Common school law**

**Age at which children may be admitted to public school.** 6-21.

*R. S. 1903, p. 1674*

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading in English, penmanship, arithmetic, English grammar, geography, elements of natural sciences, history of United States, history of Illinois etc. *Idem p. 1683*

Physiology and hygiene shall be taught, with special reference to effect of alcohol and narcotics on human system. *Idem p. 1715*

**Kindergartens.** May be established for instruction of children between 4 and 6. *Idem p. 1723*

**Deaf, dumb and blind children**

On application of board of education or directors of any school district, county superintendent shall grant permission to establish class for instruction of deaf persons over 3 and under 21. L. 1905-6 p.373

Institutions for instruction of deaf, dumb and blind.

R. S. 1903 p.236; *see also* L. 1839, 1849, 1851, 1853, 1857

**Delinquent and dependent children**

Juvenile Courts and probation officers in counties having over 500,000 population. Circuit and County Courts may also appoint probation officers.

L. 1899 p.131; 1901 p.141, 153; 1905 p.151

Delinquent males under 17 and females under 18 may be committed to custody of probation officer, committed to training school for boys or industrial school for girls or if over 10 to state home for female juvenile offenders or any state institution for care of delinquent boys for period not to extend beyond 21st birthday.

L. 1905 p.34, 86, 153

Dependent and neglected children of same age may be committed to care of some suitable institution or citizen of good moral character. *Idem*

Dependent boys may be committed to training school for boys until 21st birthday.

R. S. 1903 p.1710

Dependent females under 18 may be committed to industrial school.

*Idem* p.1707

**Child labor**

**Prohibited employments.** No child under 14 may be employed in any theater, concert hall or place of amusement where liquors are sold, mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as messenger or driver thereof. No child under 14 shall be employed at any work during any portion of the time the public school is in session. No minor between 14 and 16 may be so employed who is unable to read and write legibly simple sentences, unless he attends evening school, if one is maintained in the town or city in which he resides. No child under 16 may operate or clean machinery (different kinds of machinery specified) operate elevator or be employed in any theater, concert hall, etc., where intoxicating liquors are sold or in preparing composition in which dangerous acids are used or in the manufacture of paints, white lead, or other employments dangerous to health or morals, etc.

L. 1903 p.187

Employment of child under 16 in occupations dangerous to health or morals is prohibited.

*Idem* R. S. 1903 p.619 (Crim. C.)

No boy under 16 and no woman of any age shall be permitted to do manual labor in or about any mine.

L. 1905 p.326

**Educational requirements.** No child between 14 and 16 may be employed unless he is able to read at sight and write legibly simple sentences, or is a regular attendant at a night school, provided one is maintained in the town or city in which he resides.

L. 1903 p.187

**Certificates of age or schooling.** Employers of minors between 14 and 16 in above mentioned establishments are required to post list of children in every room in which such help is employed and keep on file register giving



name, age and place of residence, also age and schooling certificate, to be approved by superintendent of schools, etc. or principal of parochial school, and which shall not be approved unless satisfactory evidence of age is furnished by last school census, certificate of birth or baptism, register of birth with town or city clerk or records of public or parochial school or in case such evidence is not obtainable, parent shall make oath before Juvenile or County Court as to age and the court may issue age certificate as sworn to. Such age and schooling certificate shall not be approved until child presents school attendance certificate. L. 1903 p.187

Illiterates under 16 attending evening schools must furnish certificate of attendance or in cities and towns where there is no evening school, certificate of principal that he can read at sight or write legibly simple sentences. L. 1903 p.187

Boys are required to furnish employer affidavit of parent that they are 16 years of age, before they may be employed in a mine. L. 1905 p.326

**Hours of labor during day and week.** Minors under 16 may not be employed in any gainful occupation for more than 48 hours in one week or 8 hours in one day. L. 1903 p.187

Employer shall post notice to that effect.

*Idem*

**Night work prohibited.** No minor under 14 may be employed before 7 a.m. or after 6 p.m. *Idem*

No minor under 16 may be employed before 7 a.m. or after 7 p.m. *Idem*

**Penalties for violations by employer.** For violating labor law, fine of not less than \$5 nor more than \$100, and stand committed until fine and costs are paid. For failure to produce age and schooling certificate, fine of not less than \$5 nor more than \$50.

Persons making false statements in age and schooling certificate may be fined not less than \$5 nor more than \$100 and stand committed until paid.

Parents violating law may be fined not less than \$5 nor more than \$25 and stand committed until paid. L. 1903 p.187

**Law enforced by whom.** State Inspector of Factories. On written complaint to school board, it is the duty of such board to report violations to State Inspector of Factories. L. 1903 p.187

## INDIAN TERRITORY

The inhabitants of any city or town in Indian Territory may establish schools under the Arkansas school law.

U. S. Indian Affairs, Laws & Treaties, 1: 95

The Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is authorized to make such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established for their benefit. *Idem* p.63

The Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep children between 8 and 21 in some school a reasonable portion of each year. *Idem* p.66

No Indian child may be sent to any school beyond the state or territory in which said reservation is situated, without the consent of his parents.

*Idem* §76

## INDIANA

## Compulsory attendance law

**Compulsory school age.** 7-14. L. 1901 ch.209

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school or are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$25 to which may be added imprisonment in county jail not less than 2 nor more than 90 days. *Idem*

**Law enforced by whom.** Truant officers. *Idem*

**Attendance officers: how appointed.** County board of education constitutes board of truancy and shall appoint truant officer in each county. Cities may constitute separate district and board of school trustees or school commissioner shall appoint such officer. *Idem*

**Truant or parental schools.** May be established by school commissioners, trustees and board of trustees for truant and incorrigible children. Confirmed truants may be committed by judge of Circuit Court to reform school for boys or industrial school for girls. *Idem*

## Common school law

**Age at which children may be admitted to public school.** Constitution, article 8, provides that common schools shall be open to all.

**Subjects taught in public school.** Orthography, reading, writing, arithmetic, geography, English grammar, history of the United States, etc.; physiology and hygiene with instruction as to effect of alcohol and narcotics on human system, etc. German shall be taught if parents of 25 children so demand. Burns Ann. S. 1901 §5984-84a

**Kindergartens.** May be established by board of trustees of any incorporated town or city for instruction of children between 4 and 6. *Idem* §5921

**Evening schools.** Shall be established by trustee in city having population of 3000 or more on petition of 20 or more parents having children between 14 and 21, who are compelled to be employed to aid in support of family. Persons between 14 and 30 may attend. *Idem* §5923

## Deaf, dumb and blind children

Indiana Institute for education of blind established in 1847. Institution for education of deaf and dumb established in 1852.

See L. 1903 ch.217; 1905 ch.138; also Burns Ann. S §8464; L.1907 ch.98

## Delinquent and dependent children

Juvenile Court and probation officers. Incorrigible boys under 16 and girls under 17 may be placed under supervision of probation officer, or in some suitable family home or in Indiana boys or girls school or other reformatory institution until 21st birthday. Persons contributing to delinquency of child may be fined \$500 or imprisoned 6 months or both.

L.1905 ch.145; 1907 ch.169; 1903 ch.237

Judge of Juvenile Court has exclusive jurisdiction over dependent or neglected boys under 16 or girls under 17. Such children may be placed by proper representative of such court or board of county commissioners or board of children's guardians—which are established in each county—in proper family home, orphans asylum or other children's institutions, subject to subsequent placement in family homes by proper authorities. Parents responsible for dependency or neglect may be fined \$500.

L.1907 ch.41, 186; 1901 ch.173; 1897 ch.40

### Child labor

**Prohibited employments.** No child under 14 may be employed in any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office. Except during vacation of the public schools, no minor under 16, who is not blind, shall be employed in above mentioned establishments, if unable to read and write simple sentences in the English language. No young person shall operate an elevator and no male under 16 or female under 18 shall clean machinery while in motion.

Burns Ann. S. 1901 §7087a-d; also 7087i

No boy under 14 or female of any age may be employed in a mine.

*Idem* Sup. 1905 §7452, 7456; L.1905 ch.50

No child under 14 may be employed in manufacturing iron, steel, nails, metals, machinery or tobacco.

Burns Ann. S. 1901 §2237

Employment of child under 15 in occupations dangerous to health or morals is prohibited.

*Idem* §2241

**Exceptions.** Minors under 16 may be employed during vacation of the public school.

*Idem* §7087 a-d

**Educational requirements.** No minor under 16, who is unable to read and write simple sentences in the English language, may be employed in above mentioned establishments except during vacation of the public schools.

*Idem*

**Certificates of age or schooling.** Employer required to keep register, giving name, birthplace, age and place of residence of minors under 16. And it shall be unlawful to employ any young person in a manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office unless there is placed on file in office affidavit made by parent, or child in case he has no parent, stating age, date and place of birth of such young person; employer also required to post list of minors employed.

*Idem*

Where there is doubt as to age of child, parents of boys employed in mines required to furnish affidavit.

L.1905 ch.50

Chief inspector of Department of Inspection may demand certificate of physical fitness from some regular physician, in case of young person who appears unable to perform labor and may prohibit his employment.

Burns Ann.S. 1901 §7087a-d

**Hours of labor during day and week.** No male under 16 and no female under 18 may be employed in any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office more than 60 hours in any one week or 10 hours in any one day. Employer shall post notice to that effect.

*Idem*

No male or female under 18 may be employed in any cotton or woolen factory more than 10 hours a day. *Idem* §2236

No child under 14 may be employed more than 8 hours a day in a manufacturing establishment. L.1905 p.739

**Exceptions: work allowed overtime.** 1901 statute regulating hours of labor of male under 16 and female under 18 in manufacturing or mercantile establishments etc. permits work overtime for purpose of making shorter day on last day of week, but no more hours in any one week than will make an average of 10 hours a day for the whole number of days such person shall so work during such week. Burns Ann. S. 1901 §7087a-d

**Night work prohibited.** No woman shall be employed for the purpose of manufacturing between the hours of 10 p. m. and 6 a. m. No male under 16 or female under 18 may be employed in any manufacturing or mercantile establishments, laundry, renovating works, bakery or printing office before or after the hours of employment stated upon the notices as the time of beginning or ending the day's labor. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not more than \$50, first offense and not more than \$100, second offense, to which may be added imprisonment for not more than 10 days and not less than \$250, and not more than 30 days imprisonment, third offense. *Idem*

For employing child under 14 more than 8 hours a day, fine of not less than \$10 nor more than \$100. L.1905 p.739

For unlawfully employing child in mine, fine of \$500 or imprisonment in county jail not exceeding 6 months, or both. L.1905 ch.50

For employing male or female under 18 in cotton or woolen factory more than 10 hours a day, fine of not less than \$50 nor more than \$100.

Burns Ann. S. 1901 §2236

**Law enforced by whom.** Chief Inspector. Prosecuting attorney of any county on request of Chief Inspector or other person shall prosecute offenders.

*Idem*

Inspector of Mines.

*Idem* Sup.1905 §7456

## IOWA

### Compulsory attendance law

**Compulsory school age.** 7-14.

Sup.C.1902 §2823a

**Period of compulsory attendance.** 16 consecutive weeks in each school year. L.1904 ch.116

**Exemptions.** Children are exempt who attend private or parochial school, in which common school branches are taught, or upon equivalent instruction by competent teacher elsewhere, are physically or mentally incompetent, live 2 miles from school or are excused for sufficient reasons by any court of record or judge thereof. Sup.C.1902 §2823a

**Amount of fine imposed on parent.** Fine of not less than \$3 nor more than \$20 for each offense. *Idem*

**Law enforced by whom.** Truant officers.

L.1904 ch.116

Board of directors.

Sup.C.1902 §2823e,f

**Attendance officers: how appointed.** Board of directors of any school corporation may appoint such officers. *Idem* §2823e

Board of directors in school corporation having population of 20,000 shall appoint such officers. L.1904 ch.116

**Truant or parental schools.** Board of directors may establish truant schools or set apart rooms in any public school building for instruction of habitual truants. Sup.C.1902 §2823d

#### Common school law

**Age at which children may be admitted to public school.** 5-21.

C.1897 §2804

**Subjects taught in public school.** Reading, writing, spelling, arithmetic, grammar, geography, physiology and United States history.

Sup.C.1902 §2823a

Vocal music shall be taught.

*Idem* §2823s

Also physiology and hygiene with special reference to effect of alcohol and narcotics on human system. C.1897 §2775

**Kindergartens.** May be established by board of directors. C.1897 §2777

#### Deaf, dumb and blind

Deaf and dumb residents between 5 and 21 may be educated at school for deaf at expense of state. *Idem* §2723-27

Blind residents of suitable age and capacity may be educated at college for blind at state expense.

*Idem* §2714-18; see also Sup.C.1902 §2718a-b, 2722a-h, 2727a-b

#### Delinquent and dependent children

Juvenile Court and probation officers. L.1904 ch.11

Delinquent children under 16 may be placed under care of probation officer, placed in suitable family home, or committed to industrial school or state institution established for delinquent boys or girls over 10. Term of commitment shall not exceed minority. L.1904 ch.11

Dependent child under 16 may be committed to care of some reputable citizen of good moral character or industrial school. *Idem*

#### Child labor

**Prohibited employments.** No child under 14 may be employed in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter or packing house or in any store or mercantile establishment or in operating any freight or passenger elevator. L. 1906 ch.103

No child under 16 may be employed in occupations dangerous to health or morals or at any work in which the use of gunpowder or any explosive is required. *Idem*

No male under 16 or female under 18 may clean machinery in motion and no child under 16 may operate dangerous machinery. Sup. C.1902 §4999b

**Certificates of age or schooling.** Employer in above mentioned establishments is required to post list of children under 16 employed by him, giving name, date of birth and date when employed. L. 1906 ch.103

**Hours of labor during day and week.** No child under 16 may be employed in above mentioned establishments more than 10 hours in any one day, exclusive of noon intermission and if employed to exceed 5 hours must be given 30 minutes noon intermission between the hours of 11 and 1 o'clock.

*Idem*

**Night work prohibited.** No child under 16 may be employed in above mentioned occupations before 6 a.m. or after 9 p.m.

*Idem*

**Exceptions.** Provisions regulating hours of labor do not apply to persons employed in husking sheds or other places connected with canning factories, where vegetables or grain are prepared for canning and in which no machinery is operated.

*Idem*

**Penalties for violation by employers.** For violating labor law or failing to post list of children employed, fine not to exceed \$100 or imprisonment in county jail not to exceed 30 days. Parents permitting employment of child in violation of law or making false statement as to age of child in order to procure employment may be fined not to exceed \$100 or imprisoned in the county jail not to exceed 30 days.

*Idem*

**Law enforced by whom.** Commissioner of Bureau of Labor Statistics. County attorneys, state mine inspectors, mayors, police officers and any person having authority in writing from judge of Court of Record, etc. may inspect such establishments. It is the duty of the county attorney to investigate complaints and prosecute offenders.

*Idem*

## KANSAS

### Compulsory attendance law

**Compulsory school age.** 8-15.

L. 1903 ch.423

**Period of compulsory attendance.** While schools are in session.

*Idem*

8 consecutive weeks in case of indigent child under 14 who is able to read and write English language.

*Idem*

**Exemptions.** Children are exempt who attend private, denominational or parochial school taught by competent instructor, or have certificate of graduation from public school or certificate of admission to high school, or are physically or mentally incompetent.

*Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$25.

*Idem*

**Disposition of fine.** Paid into county treasury for benefit of common schools.

*Idem*

**Law enforced by whom.** Truant officers.

*Idem*

**Attendance officers: how appointed.** County superintendents of public instruction shall divide counties into truant districts and board of county commissioners shall on nomination of county superintendents of public instruction appoint truant officer. Boards of education in cities of first and second class shall appoint such officers. Teachers are required to report to county superintendent of public instruction or superintendent of city, names of truants. Habitual and incorrigible child shall be proceeded against as disorderly juvenile.

*Idem*

### Common school law

**Age at which children may be admitted to public school.** 5-21.

G. S. 1901 §6198

**Subjects taught in public schools.** Orthography, reading, writing, English grammar, geography and arithmetic, physiology and hygiene with special reference to effect of alcohol and narcotics on human system.

*Idem* §6196, 6235

History of United States and history of Kansas, etc.

L. 1903 ch.435

### Deaf, dumb and blind children

Attendance of all deaf, dumb and blind children between 7 and 21 is compulsory at suitable school for 5 months in each year, unless they receive private instruction from skilled person. Parents violating law may be fined \$100. Law enforced by truant officers.

L. 1905 ch.384

For other provisions relating to deaf, dumb and blind *see* G. S. 1901 §6962-72

### Delinquent and dependent children

Juvenile Court and probation officers. In each county of state, judge of Juvenile Court may designate regular truant officer to act as probation officer. Delinquent children under 16 may be placed under supervision of probation officer, placed in suitable family home or committed to institution for delinquent children. Term of commitment shall not extend beyond minority. Dependent children may be committed to care of reputable citizen of good moral character, industrial school or suitable institution.

L. 1905 ch.190; *see also* ch.385

### Child labor

**Prohibited employments.** No child under 14 may be employed in a mine, factory or packing house.

L. 1905 ch.278

Employment of child under 16 in occupations dangerous to health or morals is prohibited.

*Idem*

**Certificate of age or schooling.** All employers of children required to obtain and keep on file age certificate, where possible, from school board or principal of school in district or city where such child resides and in case it can not be obtained, parent's affidavit may be accepted.

L. 1905 ch.278

**Penalties for violation by employer.** Fine of not less than \$25 nor more than \$100 or imprisonment in county jail for not less than 30 nor more than 90 days.

*Idem*

**Law enforced by whom.** State Factory Inspector, State Inspector of Mines and deputies may file complaints in court of competent jurisdiction against violators and it is the duty of county attorney to prosecute.

*Idem*

## KENTUCKY

**Compulsory attendance law in cities of the first, second, third and fourth class**

**Compulsory school age.** 7-14.

L. 1904 ch.94

**Period of compulsory attendance.** During school sessions.

*Idem*

**Exemptions.** Children are exempt who are physically or mentally incompetent, attend private schools or have already acquired common school branches. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$20 for first offense, nor less than \$10 nor more than \$50 subsequent offense and costs of suit.

For false statements concerning age of child or time child has attended school, fine of not less than \$5 nor more than \$20. *Idem*

**Disposition of fine.** For use of public schools. *Idem*

**Law enforced by whom.** Truant officers. *Idem*

**Attendance officers: how appointed.** By board of education. *Idem*

### Compulsory attendance law in other districts

**Compulsory school age.** 7-14. Carroll's K.S.1903 §4521a

**Period of compulsory attendance.** Annually, 8 weeks of which must be consecutive. *Idem*

**Exemptions.** Children are exempt who attend private day or night school, have already acquired common school branches, are taught at home, are physically or mentally incompetent, indigent, or where there is no school taught within 2 miles. *Idem*

**Amount of fine imposed on parent.** Fine of \$5 and not more than \$20 for first offense, and \$10 and not more than \$50 for second offense. *Idem*

For false statement as to age of child or time he has attended school, fine of not less than \$5 nor more than \$20. *Idem*

**Disposition of fine.** For use of public schools. *Idem*

**Law enforced by whom.** School trustee or president of board of education. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-20.

L.1904 ch.17

**Subjects taught in public school.** Spelling, reading, writing, arithmetic, English grammar, English composition, geography, civil government, United States history and history of Kentucky, physiology and hygiene with special reference to effect of alcohol and narcotics on human system.

Carroll's K.S.1903 §4383

**Kindergartens.** May be established for children between 4 and 6 in cities of the first, second, third or fourth class. *Idem* §2951

### Deaf, dumb and blind children

Kentucky Institute for deaf mutes. Parents shall pay expenses when able to do so. Child who enters at age of 13 may be permitted to remain until 21st birthday, etc. *Idem* §273-98

Kentucky Institution for education of blind without expense.

*Idem* §299-311



**Delinquent and dependent children**

Incorrigible boys and girls under 18 may be committed to House of Reform for term not to exceed minority. Carroll's K.S.1903 §2095a

Kentucky Children's Home Society provides homes for destitute children. *Idem* §331b

**Child labor**

**Prohibited employments.** No child under 14 unless indigent may be employed at any time in any factory, workshop, mill or mine. No such child may be employed in any mercantile establishment nor in the service of any telegraph, telephone or public messenger company, laundry or printing establishment, except during vacations of the public school. L.1906 ch.52

No child under 16 may be employed in operating elevators or in sewing or assist at sewing belts. Employment of child under 16 in occupations dangerous to health or morals is prohibited. No person under 18 may clean machinery while in motion. *Idem*

**Exceptions.** Indigent child under 14 is exempt. Provisions of act do not apply to handling of fruits and vegetables in season and delivery of tobacco at warehouses and preparing same for the manufacturer. *Idem*

**Educational requirements.** No child under 14 may be employed in mercantile establishment nor in service of any telegraph, telephone or public messenger company, laundry, printing establishment except during vacation of the public schools. *Idem*

**Certificates of age or schooling.** Employer is required to post list and also keep register containing name, age, birthplace and place of residence of all children under 16 employed by him and it shall be unlawful to employ any child under 16 in a manufacturing establishment, mine, mill or workshop unless there is on file in office affidavit of parent or guardian, giving age, date and place of birth of such child, and in case child has no parent etc., affidavit of child may be accepted. Labor Inspector may demand certificate of physical fitness from city or county physician when he deems child physically unable to perform work and may prohibit such employment. *Idem*

**Hours of labor during day and week.** No child under 16 may be employed in any manufacturing establishment, mine, mill or workshop more than 60 hours in one week nor 10 hours in one day. *Idem*

**Exceptions: work allowed overtime.** For purpose of making shorter work day on any one day of week. *Idem*

**Night work prohibited.** No child under 16 may be employed in any manufacturing establishment, mine, mill or workshop after 7 p. m. or before 6 a. m. Employer shall post notice to that effect. *Idem*

**Penalty for violations by employer.** Any person violating law or who permits child to be unlawfully employed may be fined not more than \$50 for first offense and not more than \$200 for second offense. *Idem*

**Law enforced by whom.** Labor Inspector. Grand jury has inquisitorial power to investigate violations and judges of Circuit Courts shall charge grand jury at beginning of each term of court to investigate violations.

L.1906 ch.52

It is the duty of Labor Inspector to report violations to county attorney, etc. L.1902 ch.24

## LOUISIANA

## No compulsory attendance law

## Common school law

**Age at which children may be admitted to public schools.** 6-18.

Const. & R.L. 1904 p. 1981

**Subjects taught in public school.** Orthography, reading, writing, drawing, arithmetic, geography, grammar, United States history, laws of health including effect of alcohol and narcotics on human system, etc. These elementary branches may also be taught in French where French is spoken.

*Idem* p. 612

**Kindergartens.** Where kindergartens exist, pupils between 4 and 6 may be admitted.

*Idem*

**Night school.** May be established in parish of Orleans for instruction of such youth as are prevented by daily avocations from receiving instruction during the day.

*Idem* p. 627

## Deaf, dumb and blind children

Blind persons between 7 and 22 may be admitted to Institute for Blind, at state expense, for term of 10, 8 or 5 years, according to age of applicant, which term may be extended two years by board. Const. & R.L. 1904 p. 576

Deaf and dumb persons between 8 and 22 may be admitted under same conditions to Institute for Deaf and Dumb.

*Idem* p. 579

## Delinquent and dependent children

Juvenile Courts and probation officers. Delinquent children may be placed under supervision of probation officer or committed to suitable institution. Dependent children may be placed in family home, etc. Term of commitment not to extend beyond 21st birthday.

L. 1906 p. 134

State Reform School for young criminals under 18.

L. 1904 p. 353

## Child labor

This act (1906) applies only to cities and towns in state having population of 10,000.

**Prohibited employments.** No boy under 12 and no girl under 14 may be employed in any factory, mill, warehouse, workshop or manufacturing establishment where the manufacture of any goods whatever is carried on or where any goods are prepared for manufacturing.

L. 1906 p. 50; *see also* Const. & R.L. 1904 p. 989

Employment of child under 15 in occupations dangerous to health and morals is prohibited.

Const. & R.L. 1904 p. 991

No child under 12 may clean or operate machinery while in motion. *Idem*

**Exceptions.** 1906 act does not apply to domestic or agricultural laborers or industries.

L. 1906 p. 50

**Hours of labor during day or week.** No child under 18 and no woman may be employed in a factory, mill, warehouse, workshop, clothing, dress-making or millinery establishment or place where the manufacture of any

kind of goods is carried on, or where any goods are prepared for manufacturing more than 10 hours in one day or 60 hours in one week. One hour shall be allowed each day for dinner. *Idem*

**Penalties for violation by employer.** For violating provisions of labor law, fine of not less than \$10 nor more than \$25 or imprisonment in parish jail more than 30 days or both. *Idem*

**Disposition of fine.** Paid over to school fund. *Idem*

**Law enforced by whom.** The mayor, with consent of the council in incorporated cities and towns, and the police jury in parishes shall appoint factory inspector who shall prosecute violators of the law. *Idem*

## MAINE

### Compulsory attendance law

**Compulsory school age.** 7-15. L.1903 ch.140

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who are physically or mentally incompetent or have equivalent instruction for like period in approved private school, but are not credited with attendance until certificate of attendance signed by person having school in charge is filed with school officials of town in which child resides. Necessary absence may be excused by superintendent of schools. *Idem*

**Amount of fine imposed on parent.** Fine of not to exceed \$25 of imprisonment not to exceed 30 days. L.1903 ch.140

**Disposition of fine.** Paid to treasurer of city or town. *Idem*

**Law enforced by whom.** Truant officer. R.S.1903 ch.15

**Attendance officers: how appointed.** Cities and towns shall annually elect one or more persons as truant officers. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 5-21.

R.S.1903 ch.15

**Subjects taught in public school.** Teachers must qualify in following subjects: reading, spelling, English grammar, geography, history, arithmetic, civil government, bookkeeping, elements of natural science especially as applied to agriculture. Superintendent of school committees shall make provision for instruction of all pupils in physiology and hygiene, with special reference to effect of alcohol and narcotics on human system.

*Idem* ch.15 p.210

**Night schools.** Any city or town may appropriate money for evening schools. *Idem*

### Deaf, dumb and blind children

Upon request of parents, the Governor may, with approval of the Council, send such blind children as he may deem fit subjects for education, to Perkins Institute for Blind at South Boston, Mass., for term not exceeding 10 years, at state expense. *Idem* p.226

Deaf and dumb children 5 years of age and above may be admitted to Maine School for Deaf at Cumberland for term not exceeding 5 years. *Idem*

**Delinquent and dependent children**

Probation officer in Cumberland county.

L.1905 ch.346

Towns may make bylaws concerning habitual truants and children between 6 and 17 not attending school and without any regular and lawful employment. Such bylaws must be approved by a judge of Supreme Judicial Court.

Magistrate may order child proven to be growing up in truancy to be placed in institution of instruction, house of reformation, etc. "Habitual truant" may be sentenced to State School for Boys or State Industrial School for Girls or any truant school that may be hereafter established.

R.S.1903 ch.15 p.213-14

Neglected child may be committed to institution until 18 if female, or 21, if a male.

*Idem* ch.61 p.580

**Child labor**

**Prohibited employments.** No child under 12 may be employed in any manufacturing or mechanical establishment. No child under 15 may be so employed except during vacation of the public schools, unless excused by superintendent of schools, etc.

R.S.1903 ch.40 p.401

No child under 16 may be employed in occupations dangerous to health or morals.

L.1905 ch.123

**Educational requirements.** No child under 15 may be employed in any manufacturing or mechanical establishment except during vacation of the public schools, unless excused by superintendent of schools [See "Attendance law"].

R.S.1903 ch.40 p.401

**Certificate of age or schooling.** Employers required to keep on file certificate of age and place of birth of every child under 16 employed in a manufacturing or mechanical establishment. Such certificate shall be signed by member of school committee, etc. where attendance has been had. *Idem*

**Hours of labor during day and week.** No female under 18 or male under 16 may be employed in any manufacturing or mechanical establishment more than 10 hours in one day or 60 in one week. Employer is required to post notice to that effect. No male over 16 or female over 18 may be employed more than 10 hours a day during minority unless, with consent of parents, they voluntarily contract to do so. No female over 18 may so contract for extra hours of labor to exceed 6 hours in one week or 60 hours in one year.

*Idem*

**Exceptions: work allowed overtime.** When necessary to make repairs to prevent interruption of ordinary running of machinery or different apportionment of hours of labor is made for sole purpose of making shorter day's work for one day of the week but in no case to exceed 60 a week. 1903 act does not apply to manufacturing establishment or business, the materials and products of which are perishable or require immediate labor to prevent decay and damage.

*Idem*

**Penalties for violation by employer.** For employing child under 12, fine of not less than \$25 nor more than \$50 each offense. For violating law which prohibits employment of child under 15 during time school is in session, fine of \$100. For violating law regulating hours of labor, fine of not less than \$25 nor more than \$50 each offense. Persons making false statement in certificates may be fined \$100.

*Idem*

Fine of \$100 may also be imposed on parents guilty of violating the labor law. *Idem*

**Disposition of fine.** One half of fine of \$100 imposed on parent or employer for employing child under 15 during hours school is in session, to be paid into school fund. *Idem*

**What constitutes evidence of illegal employment.** Failure to produce age certificate, prima facie evidence of violation. *Idem*

**Law enforced by whom.** Inspector of factories, workshops, mines and quarries. School committees and superintendent of schools shall inquire into violations of law, prohibiting employment of child under 15 during time school is in session and report same to county attorney, who shall prosecute. *Idem*

## MARYLAND

### Compulsory attendance law

Applies to city of Baltimore and Allegany county only

**Compulsory school age.** 8-12; 12-16 if not regularly and lawfully employed at home or elsewhere. Poe's G.L. p.1752; L.1902 ch.269

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who receive equivalent instruction elsewhere or are physically and mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$5 for each offense. *Idem*

**Law enforced by whom.** Truant officer. *Idem*

**Attendance officer: how appointed.** By boards of school commissioners for Allegany county and board of school commissioners of Baltimore city. L.1902 ch.269

**Truant or parental schools.** May be established by such boards for habitual truants between 8 and 16. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21.

**Subjects taught in public school.** Orthography, reading, writing, subjects for language training, English grammar, geography, arithmetic, history of United States, Constitution of United States, Constitution and history of Maryland, vocal music, drawing, civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on human system, etc. Elements of agricultural science may be added. *Idem* p.1723

**Night schools.** May be established in Allegany county for males under 14 on application of at least 30 persons of age required of students in high schools, for study of reading, writing, arithmetic and such advanced studies as may be necessary. L. 1904 ch.90

### Deaf, dumb and blind children

Every deaf or blind child between 6 and 16, physically and mentally competent shall attend school for the deaf or blind 8 months of scholastic year unless receiving instruction elsewhere in studies usually taught in public school. Parents violating law may be fined not to exceed \$5 for each offense. Principal teacher of public school in counties and truant officers in city of

Baltimore shall furnish board of county school commissioners or board of education of Baltimore city, names of all such children who do not attend school, who shall certify names of such children to principal of state schools for such children. L. 1906 ch.236

### Delinquent and dependent children

Juvenile Court and probation officers in city of Baltimore.

L. 1904 ch.514, 521

Young criminals, incorrigibles and destitute boys may be committed to St Mary's Industrial School for Boys in the city of Baltimore or House of Refuge.

Poe's Pub. G. L. p.944, 953

Incorrigible female under 18 may be committed to House of Good Shepherd in city of Baltimore.

*Idem* p.936

Neglected and delinquent minors may be committed to juvenile institutions until 21st birthday.

L.1904 ch.98

### Child labor

**Prohibited employments.** No child under 12 years of age, except in the counties, from June 1 to October 15, may be employed in any mill, factory, workshop, office, restaurant, hotel, apartment house, store, telephone or telegraph office or other establishment. No child between 12 and 16 shall be so employed unless there is on file with the employer an employment certificate.

L. 1906 ch.192

No child under 12 or female of any age may be employed in a mine, and no boy under 14 shall be so employed unless able to read and write.

L. 1902 ch.124, p.167

No minor under 16 may be employed in a brewery, etc. Or in a saloon.

L. 1902 ch.506  
C. Pub. G. L. 1903 art.56 §97

No minor under 16 may be employed in any dangerous or mendicant business whatever.

Pub. G. L. 1903 art.27 §398

**Exceptions.** Child under 12 may work in counties from June 1 to October 15.

L. 1906 ch.192

Act does not apply to farm labor.

*Idem*

**Educational requirements.** No child between 12 and 16 may be employed unless able to read at sight and write legibly simple sentences in the English language.

*Idem*

**Certificates of age or schooling.** Employers of children between 12 and 16 in a mill, factory, workshop, office, restaurant, hotel, apartment house, store, telephone or telegraph office or other establishment or business required to have on file permit, issued for employment in Baltimore city by the Maryland Bureau of Statistics and Information, and for employment in other cities and counties, by any member of the board of health, etc. Such permit shall not be issued unless satisfactory evidence of age is furnished by duly attested transcript of certificate of birth or baptism of child or other religious records, or register of birth, or in case it is certified by proper authorities that birth certificate showing place and date of birth of child is not on record, affidavit of parent or guardian may be accepted. Such certificate shall also certify that child is able to read at sight and write legibly simple sentences in the English language and that he is physically able to perform the work. List of children employed must be kept on file and in case of chil-

dren employed in factories, workshops, mills or messenger service, list shall be posted near entrance of building in which children are employed. *Idem*

**Hours of labor during day or week.** No child under 16 may be employed more than 10 hours a day in any manufacturing business or factory in any part of the state or in any mercantile business in the city of Baltimore.

Poe's Pub. G. L. p.853

**Penalties for violation by employer.** For violating labor law, fine of not less than \$5 nor more than \$50 and for violation after notification, fine for every day of illegal employment not less than \$5 nor more than \$20.

Persons making false statement in certificate may be fined not more than \$50. L. 1906 ch.192

For violating law relating to employment of child in mine, fine not exceeding \$500 or imprisonment in county jail for period not exceeding 6 months or both. L. 1902 ch.124

Persons violating law regulating number of hours of labor guilty of a misdemeanor. Poe's Pub. G. L. p.853

**What constitutes evidence of illegal employment.** Failure to produce employment permit or list, prima facie evidence of illegal employment.

L. 1906 ch.192

**Law enforced by whom.** Inspectors appointed by Chief of Maryland Bureau of Statistics and Information. Attendance officers may visit establishments and report violations to justice of the peace. L. 1906 ch.192

## MASSACHUSETTS

### Compulsory attendance law

**Compulsory school age.** 7-14, and every child under 16 who is unable to read and write legibly simple sentences in the English language.

L.1906 ch.383

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private day school, or are otherwise instructed for like period of time in branches required to be taught in public schools, if they have already acquired such branches, or are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not more than \$20.

R.L.1902 p.478

**Law enforced by whom.** Truant officer.

R.L.1902 p.481

**Attendance officers: how appointed.** By school committee of every city or town. *Idem*

**Truant or parental schools.** May be established by county commissioners in the several counties or truants may be sent to schools maintained in other counties.

L.1902 ch.256

### Common school law

**Subjects taught in public school.** Orthography, reading, writing, English language and grammar, geography, arithmetic, drawing, history of the United States, physiology and hygiene with special instruction as to effect of alcohol and narcotics on the human system, bookkeeping, algebra, geometry, one or more foreign languages, elements of natural

sciences, kindergarten training, manual training, agriculture, sewing, cooking, vocal music, physical training, civil government, etc. Ethics may be taught. R. L. 1902 ch.42

**Kindergartens.** May be established.

*Idem*

**Night schools.** Any town may and every city or town having 10,000 or more inhabitants shall maintain evening schools for instruction of persons over 14 in orthography, reading, writing, the English language, and grammar, geography, arithmetic, industrial drawing, both free-hand and mechanical, history of United States, physiology and hygiene. *Idem*

#### **Deaf, dumb and blind children**

The Governor may, with consent of parents and approval of State Board of Education, send deaf and blind children to schools for such pupils for term of 10 years, at state expense. R. L. 1902 ch.39

Massachusetts Commission for Blind, to aid blind in finding employment and to develop home industries for them; established. L. 1906 ch.385

Provisions of compulsory education law applicable to defectives.

L. 1906 ch.383

#### **Delinquent and dependent children**

Juvenile Court and probation officers.

L. 1906 ch.413

Incorrigible boys under 15 may be committed to Lyman School for Boys, and incorrigible girls under 17 may be committed to State Industrial School for Girls until 21st birthday. L. 1906 ch.389, 413

Habitual truants shall be committed to truant schools. 1906 ch.389

Incorrigible boys over 15 may be committed to Massachusetts Reformatory. L. 1903 ch.330

Neglected children under 16 may be placed in care of suitable person or charitable corporation or child may be committed to custody of State Board of Charity until 21st birthday.

L. 1903 ch.334; 1904 ch. 356; 1905 ch.303

#### **Child labor**

**Prohibited employments.** No child under 14 and no child between 14 and 16 who is not in possession of certificate certifying child's ability to read at sight and write legibly simple sentences in the English language may be employed in any factory, workshop or mercantile establishment. No child under 14 may be employed during the hours the public schools are in session. L. 1905 ch.267

No child under 14 may clean machinery in motion.

R. L. 1902 ch.106

No child under 16 may run an elevator and no person under 18 shall operate an elevator running at a speed of more than 100 feet a minute.

L. 1902 ch.350

Employment of child under 15 in occupations dangerous to health and morals is prohibited. R. L. 1902 ch.106

No minor under 18 may be employed in the manufacture of an acid after State Board of Health has determined same is injurious to his health. *Idem*

No minor under 18 may be employed in a saloon or brewery.

R. S. 1902 ch.100 §60, 61



**Educational requirements.** Children between 14 and 16 must be in possession of certificate, certifying child's ability to read at sight and write legibly simple sentences in the English language. L. 1905 ch.267

In the year 1907, ability to read and write must be such as is required for admission to the third grade. In the year 1908, as required for admission to the fourth grade. L. 1906 ch.284

**Age and schooling certificate.** Employer of minors under 16 in factory, workshop or mercantile establishments is required to keep on file age and schooling certificate, also list of minors employed. 1902 ch.106

Age and schooling certificate shall be approved only by superintendent of schools, etc., when minor between 14 and 16 presents employment ticket from intended employer, and must certify that child is able to read at sight and write legibly simple sentences in the English language. 1902 ch.106

Age and schooling certificate shall not be approved until satisfactory evidence of age is furnished by certificate of birth or baptism or register of birth with city or town clerk. Other evidence under oath may be accepted in case superintendent decides certificate of birth, etc. is not available. L. 1905 ch.213

**Hours of labor during day and week.** No child under 18 and no woman may be employed in a mercantile establishment more than 58 hours in one week. L. 1904 ch.397

No child under 18 and no woman may be employed in manufacturing or mechanical establishments more than 10 hours in one day or 58 hours in one week. Employer shall post notice to that effect. R. L. 1902 ch.106

For provisions relating to time to be allowed for meals, etc. *see Idem.*

**Exceptions: work allowed overtime.** Child under 18 or woman may be employed in manufacturing or mechanical establishment more than 10 hours in one day for purpose of making shorter day's work for one day in week, or if it appears employment is to make up time lost on previous day in consequence of stopping of machinery, but no stopping of machinery for less than 30 minutes will justify overtime employment and in no case shall the hours of labor exceed 58 in one week. R. L. 1902 ch.106

Minors referred to in L. 1905 ch.267 may be employed on Saturdays between 6 a. m. and 7 p. m. in mercantile establishments.

**Night labor prohibited.** No child under 14 may be employed before 6 a. m. or after 7 p. m. L. 1905 ch.267

No woman or minor may be employed for purpose of manufacturing between 10 p. m. and 6 a. m. R. L. 1902 ch.106

**Penalties for violation by employer.** For violating law regulating hours of labor, fine of not less than \$50 nor more than \$100. Persons making false statements in certificates may be fined not more than \$50. R. L. 1902 ch.106

For violating labor law, fine of not more than \$300 or imprisonment not more than 6 months or both and after notification for each day of illegal employment fine of not less than \$20 nor more than \$100 or imprisonment for not more than 6 months. L. 1906 ch.499

**What constitutes evidence of violation.** Failure to produce age or schooling certificate or list required by law *prima facie* evidence. L. 1906 ch.499

**Law enforced by whom.** Inspectors of factories.

*Idem*

Truant officers may make complaint.

*Idem*

**MICHIGAN****Compulsory attendance law**

**Compulsory school age.** 7-15. L. 1905 no. 200 p.296

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who are being taught in private or parochial school in common school branches, have already acquired branches, are under 9 and do not reside within  $2\frac{1}{2}$  miles of school, or over 14 and indigent, or physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$50 or imprisonment not less than 2 nor more than 90 days or both. *Idem*

**Law enforced by whom.** Policemen in cities, village marshal in villages and sheriff or deputy sheriff in counties. *Idem*

**Attendance officers: how appointed.** In cities, on request of board of education members of police force may act as officers; in villages, village marshal and in counties sheriffs may designate one deputy to act for county. Board of education in cities may appoint truant officer. *Idem*

**Truant or parental school.** May be established in graded or city district by school board for instruction of truants and incorrigibles between 7 and 16. *Idem*

**Common school law**

**Age at which children may be admitted to public school.** 5-20.

C. L. 1897 §3346

**Subjects taught in public school.** Orthography, spelling, writing, reading, geography, arithmetic, grammar, including language lessons, national and state history and civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on human system etc.

*Idem* §4680, 4775

**Kindergartens.** May be established by district school board for children between 4 and 7. *Idem* §4792-95

**Deaf, dumb and blind children**

Upon application by school district board, or board of education of any city to the superintendent of public instruction, he shall grant permission to maintain day school for instruction of deaf persons over 3.

L. 1905 no. 224 p.323

Deaf persons between 7 and 21 may be admitted to Michigan School for Deaf for term not to exceed 13 years, at expense of state.

C. L. 1897 §1990-2008

Blind persons between 7 and 19 may be admitted to Michigan School for Blind, at state expense, for term of 12 years, which may be extended to 14 years. *Idem* §2009-19

**Delinquent and dependent children**

Juvenile Court in counties having over 100,000 population.

L. 1905 no. 312 p.485

Delinquent boys under 16 or girls under 17 may be committed to Industrial School for boys at Lansing or Industrial School for girls at Adrian. Neglected boys under 16 or girls under 17 may be committed to suitable state institution or to care of citizen of good moral character, etc. *Idem*

Governor may appoint in each county of state, agent of State Board of Corrections and Charities for care and protection of dependent and delinquent children, or court or commissioner may appoint probation officers.

**Child labor**

**Prohibited employments.** No child under 14 may be employed in any theater, concert hall or place of amusement where intoxicating liquors are sold, mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, telegraph or messenger service. No child between 14 and 16 may be so employed if unable to read and write the English language.

L. 1905 no.171 p.239

No child under 16 may be employed in occupations dangerous to health or morals.

L. 1901 no.113 p.157

No female under 21 and no male under 18 may clean machinery while in motion.

L. 1901 no.113 p.157

No female may be employed in a saloon.

L. 1897 no.170

**Educational requirements.** Child between 14 and 16 must be able to read and write the English language. Foreign born child between 14 and 16 not a resident for 3 years prior to application may be granted permit on proof that he can read and write.

L. 1905 no.171 p.239

**Certificate of age or schooling.** It is unlawful for any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, workshop, telegraph or messenger service to employ any child under 16 unless employer has on file sworn statement of parent, or in case child is an orphan statement of child may be accepted stating age, date and place of birth of such child and certifying that child is able to read and write the English language. Every employer is required to keep register giving name, birthplace, age and place of residence of children under 16 employed by him. *Idem*

Factory Inspector may demand certificate of physical fitness from county physician in case of child under 16 who seems physically unable to perform the work and may prohibit such employment.

L. 1901 no.113 p.157

**Hours of labor during day or week.** No male under 18 and no female under 21 may be employed in any manufacturing establishment more than 60 hours in one week or in any store for more than 60 hours in one week. No such minor may be employed to exceed 10 hours in one day. Not less than 45 minutes shall be allowed for noonday meal in a manufacturing establishment unless Factory Inspector grants permit in special cases allowing shorter mealtime at noon.

L. 1901 no.113

**Exceptions: work allowed overtime.** Male under 18 and female under 21 may be employed in manufacturing establishment more than 60 hours in one week when necessary to make repairs to machinery to avoid stoppage of ordinary running of the establishment, etc., or in a store or manufacturing establishment more than 10 hours in one day for purpose of making shorter workday on last day of week. L. 1901 no.113 p.157

Act regulating hours of employment does not apply to canning factories or evaporating works. *Idem*

**Night work prohibited.** No child under 16 may be employed between 6 p.m. and 7 a.m. in any manufacturing establishment or workshop. L. 1905 no.171 p.239

**Penalties for violation by employer.** Persons violating any provision of the labor law may be fined not less than \$5 nor more than \$100 and imprisoned not less than 10 nor more than 90 days or both. L. 1901 no.113

**Law enforced by whom.** Factory Inspectors. Prosecuting attorney of county required to prosecute. *Idem*

## MINNESOTA

### Compulsory attendance law

**Compulsory school age.** 8-18. L. 1905 ch.265

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, are taught at home in branches of study taught in school, have already acquired branches of study, are engaged in some useful occupation or service permitted by law, physically or mentally incompetent, indigent, or where there is no school within reasonable distance. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$50 or imprisonment not to exceed 30 days. L. 1901 ch.156

**Disposition of fine.** To benefit of school. *Idem*

**Law enforced by whom.** Truant officers or chairman of school board. L. 1899 ch.226

**Attendance officers: how appointed.** By board of education or school board. L. 1899 ch.226

**Truant or parental schools.** May be established by school board or board of education for habitual truants and incorrigibles between 8 and 16. L. 1899 ch.226

### Common school law

**Age at which children may be admitted to public school.** 5-21.

R. L. 1905 §1279

**Subjects taught in public school.** Reading, spelling, writing, arithmetic, geography, history of the United States, English grammar, civil government, and physiology and hygiene with special reference to effect of alcohol and narcotics on human system, etc. L. 1895 ch.17

**Kindergartens.** May be established for children between 4 and 6. L. 1901 ch.136

**Night schools.** May be established for all persons over 10 unable to attend day schools. L. 1903 ch.357

**Deaf, dumb and blind children**

Deaf and blind persons may attend Minnesota schools for deaf and blind, free of charge.

R. L. 1905 §1931-37; L. 1902 ch.83

**Delinquent and dependent children**

Juvenile Court and probation officers in counties having more than 50,000 inhabitants. Delinquent child may be placed in suitable family home, committed to care of probation officer or to institution. L. 1905 ch.285, 321

Incorrigibles and young criminals between 8 and 17 may be committed to Minnesota State Training School for boys and girls.

L. 1905 ch.233; 1901 ch.156

Neglected child under 17 may be committed to institution or care of some reputable citizen of good moral character.

L. 1905 ch.285, 321

**Child labor**

**Prohibited employments.** No child under 14 may be employed in any factory, workshop or mine. No such child may be employed in any mercantile establishment nor in the service of any telegraph, telephone or public messenger company except during vacation of the public schools.

L. 1897 ch.360

No child under 16 who is unable to read and write simple sentences in the English language may be employed, except during vacation of the public school, at any indoor occupation, unless he regularly attends day or evening school or has attended school during past year the required period.

L.1895 ch.171

Employment of child under 16 in occupations dangerous to health and morals is prohibited.

L. 1897 ch.360

No child under 16 may operate an elevator and no minor under 18 may operate an elevator capable of running over 200 feet a minute.

L. 1895 ch.171

**Exceptions.** School board may in their discretion issue permit to minor, in case his employment is necessary for support of himself or family.

L. 1897 ch.360

**Educational requirements.** Child under 16 must be able to read and write legibly simple sentences in the English language, or if unable to do so must regularly attend day or evening school, or have attended school 12 weeks since last birthday.

L. 1895 ch.171

**Age and schooling certificate.** No child under 16 may be employed in a factory, workshop or mercantile establishment, or in the service of any public telegraph, telephone or district messenger company or other corporation unless employer keeps on file list of children employed and also employment certificate, signed by superintendent of schools or member of school board, etc., which shall contain affidavit of father, or of the child in case he is an orphan, giving name, birthplace, date of birth and age, and also state that child is able to read at sight and write legibly simple sentences in the English language, or if unable to do so is a regular attendant at some day or evening school, or during past year attended school required period or is excused by school board. Commissioner of

**Labor may demand certificate of physical fitness from physician in case child appears physically unable to perform work.** L. 1895 ch.171

**Hours of labor during day and week.** No child under 16 may be employed more than 10 hours in one day or 60 hours in one week. L. 1897 ch.360

**Night work prohibited.** No child under 16 may be employed before 6 a.m. or after 7 p.m. *Idem*

**Exceptions.** Children not less than 14 may be employed in mercantile establishments on Saturdays and for 10 days each year before Christmas until 10 o'clock in the evening, said employment not to exceed however 10 hours in one day or 60 hours in one week. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$20 nor more than \$50. L. 1895 ch.171

For violating law regulating hours of labor, fine of not less than \$20 nor more than \$50. *Idem*

Parents making false statements in certificates or permitting child to be employed in violation of the law may be fined not less than \$20 nor more than \$50. *Idem*

**What constitutes evidence of illegal employment.** Failure to produce age and schooling certificate and register, prima facie evidence. *Idem*

**Law enforced by whom.** Commissioner of Labor. *Idem*

Members of board of education may visit factory.

## MISSISSIPPI

### No compulsory attendance law

Except provision of code that pauper children when apprenticed shall be sent to school until they learn to read and write and perform any ordinary calculation incident to business of master. Ann. C §3159-65

### Common school law

**Age at which children may be admitted to public school.** 5-21. *Idem* §3962

**Subjects taught in public school.** Teachers must qualify in following subjects for first grade license: spelling, reading, practical and mental arithmetic, writing, geography, English grammar and composition, United States history, history of Mississippi, civil government, elements of physiology and hygiene with special reference to effect of alcohol and narcotics on human system, etc. *Idem* § 4022

### Deaf, dumb and blind

Indigent deaf, dumb and blind may be admitted to institutions for deaf, dumb and blind without expense. *Idem* §2310-21

### Delinquent and dependent children

Pauper child may be apprenticed until 21 if male, or 18 if female. Apprentice must be sent to school until he or she shall learn to read and write and perform any ordinary calculation incident to business of the master.

*Idem* § 3159-66

**Child labor**

Any person who shall employ any male child under 21 or female under 18 without consent of parents may be punished by fine of not more than \$20 or imprisoned in county jail not more than 30 days or both. *Idem* §1003

**MISSOURI**

**Compulsory attendance law**

**Compulsory school age.** 8-14. 14-16 unless regularly and lawfully engaged in some useful employment or service. L. 1905 p.146

**Period of compulsory attendance.** Not less than one half entire time school is in session. *Idem*

**Exemptions.** Children are exempt who attend private, parochial or parish school or if it be shown to satisfaction of court of competent jurisdiction that parents are unable because of poverty to furnish clothing, or labor of child is necessary for support of family, or are physically or mentally incompetent, reside 2½ miles from schoolhouse or have completed common school course. *Idem*

**Amount of fine imposed on parent.** Fine of \$10 and not more than \$25 and imprisonment not less than 2 nor more than 10 days, or both. *Idem*

**Disposition of fine.** To be credited to school fund. *Idem*

**Law enforced by whom.** Truant officer. *Idem*

**Attendance officers: how appointed.** By school board in cities or districts having population of 3000. Clerk of district acts where no officer is appointed. *Idem*

**Truant or parental schools.** May be established in cities or districts having 10,000 or more population for truants and incorrigibles between 8 and 16. *Idem*

**Common school law**

**Age at which children may be admitted to public school.** 6-20

State Const. art.11 §1

**Subjects taught in public school.** Teachers must qualify in following subjects: orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, history of United States, civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on human system, etc. R. S. 1899, §9798-99

**Deaf, dumb and blind children**

Blind persons of suitable age and capacity between 9 and 25 may be admitted to Missouri School for Blind for term of 8 to 10 years; indigents admitted without expense. *Idem* §7741-54

Deaf persons between 8 and 21 may be admitted to Missouri School for Deaf for period of 12 years; indigents admitted free of charge.

*Idem* §7725-40

### Delinquent and dependent children

Juvenile Courts and probation officers in counties having population of 150,000 inhabitants and less than 500,000.

Delinquent children under 16 may be committed to care of probation officers, placed in suitable family homes or sent to Missouri Training School for boys or State Industrial School for girls or other institution.

Neglected children under 16 may be committed to care of some reputable citizen or association which cares for neglected children. L. 1905 p.56

County Courts in counties having 150,000 and less than 500,000 population, on petition of 100 qualified voters, may order election to be held to establish parental school for delinquent and dependent children. L. 1905 p.54

### Child labor

**Prohibited employments.** No child between 8 and 14 may be employed in a mine, factory, workshop or mercantile establishment or in any other manner during school hours unless he has certificate of superintendent of schools or teacher, stating that he attended the required number of days or has been excused from such attendance [see "Exemptions" Compulsory attendance law]. L. 1905 p.146

No male under 14 or female may be employed in a mine and no boy under 16 may be so employed unless he can read and write. L. 1905 p.237

No child under 14 unless indigent may be employed in any manufacturing or mechanical establishment where any mechanical power is used in manufacturing process or where work, in opinion of two reputable physicians, is dangerous to health of child. R. S. 1899 §2189-90

Employment of child under 14 in occupations dangerous to health or morals is prohibited. *Idem* §2186

No minor or female may clean machinery while in motion. *Idem* §6434

**Exceptions.** See "Prohibited employments."

**Educational requirements.** No child between 8 and 14 years of age may be employed unless he has attended school required number of days or completed studies. L. 1905 p.146

Boys under 16 employed in a mine must be able to read and write.

L. 1905 p.237

**Certificates of age or schooling.** Employer of children between 8 and 14 in above mentioned establishments is required to procure certificate from superintendent of schools or teacher to the effect that child has attended school the required number of days or has been excused from such attendance [see "Exemptions" Compulsory attendance law]. When reasonable doubt exists as to age of child, attendance officer may require properly attested birth certificate or affidavit stating child's age, date of birth and physical characteristics. *Idem*

**Hours of labor during day and week.** 8 hours in mining, mechanical, chemical, manufacturing or smelting business. L. 1905 p.236

**Night work prohibited.** No minor under 16 may be employed in a bake shop between 9 p.m. and 5 a.m. R.L. 1899 §10088

**Penalty for violation by employer.** For violating labor law, fine of not less than \$20 nor more than \$50. L. 1905, p.146



For employing child under 14 in occupation dangerous to health or morals, fine not to exceed \$100 or imprisonment in county jail not to exceed 3 months or both and for subsequent offense, fine not to exceed \$500 or imprisonment in penitentiary not to exceed 2 years or both. R. S. §2188

For violating law prohibiting employment of child under 14 in manufacturing establishment, etc. where mechanical power is used or work is dangerous to child, fine of not less than \$10 nor more than \$100 or imprisonment not less than 2 nor more than 10 days or both. *Idem* §2190

**Disposition of fine.** For benefit of school funds. L. 1905 p.146

**Law enforced by whom.** Factory Inspector. L. 1901 p.197

Attendance officer may visit factory. L. 1905 p.146

## MONTANA

### Compulsory attendance law

**Compulsory school age.** 8-14. 14-16 if not regularly employed, or unable to read and write the English language. L. 1903 ch.45

**Period of compulsory attendance.** While school is in session, in no case less than 16 weeks during current year. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, are instructed at home by qualified person in school branches, physically or mentally incompetent or where there is no school within 2½ miles of residence. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$20 or give bond in penal sum of \$100 and on failure to pay fine or give bond may be imprisoned not less than 10 nor more than 30 days. *Idem*

**Disposition of fine.** For benefit of school district. *Idem*

**Law enforced by whom.** Truant officer or constable. *Idem*

**Attendance officers: how appointed.** In cities, by board of trustees; in villages and townships trustees may appoint constable or other person as truant officer. *Idem*

**Truant or parental schools.** In districts having a population of less than 25,000 there may be and in districts having a population of 25,000 there shall be established industrial schools for habitual truants or incorrigible children. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21.

P. C. §1860; Const. art.11 §7

**Subjects taught in public school.** Reading, penmanship, written arithmetic, mental arithmetic, orthography, geography, English grammar, physiology and hygiene with special reference to effect of alcohol and narcotics on human system, history of United States and Montana, etc.

L. 1903 ch.23

**Kindergartens.** May be established by school boards for instruction of children between 3 and 6. L. 1899 p.64

**Deaf, dumb and blind children**

All deaf and blind children of lawful school age shall be sent to Institution for Deaf and Blind, 6 months of each school year for period of 8 years or until exempt by law, unless taught at home, at private school, or similar institution of another state in branches taught in said institution, or excused because physically or mentally incompetent. Parents violating law may be fined not less than \$5 and not more than \$25, first offense, and not less than \$25 nor more than \$50, subsequent offense with costs. It is the duty of clerk of school district to enforce law.

L. 1903 ch.9

School district clerks of each county are required to send census of deaf and blind children between 5 and 21 to county superintendent, who reports to superintendent of school for deaf and blind at Boulder, Mon. P. C. §2345

**Delinquent and dependent children**

Juvenile disorderly children between 8 and 16 whose parents are unable to control them may be committed to Industrial School.

L. 1903 ch.45

Incorrigible children may be committed to State Reform School.

L. 1903 ch.45

It is the duty of poor authorities to furnish indigent child necessities to enable him to attend school and if parent refuses aid, child may be committed to Industrial School.

L. 1903 ch.45

**Child labor**

**Prohibited employments.** No child under 14 may be employed while public school is in session unless in possession of age and schooling certificate and no child between 14 and 16, who can not read and write the English language may be so employed.

L. 1903 ch.45

No child under 16 may be employed in a mine or underground workings.

L. 1905 ch.16

No child under 16 may be employed in any mendicant or wandering business whatever.

Pen. C. 1895 §472

**Educational requirements.** Child between 14 and 16 must be able to read and write the English language. Child under 14 must have completed common school branches.

L. 1903 ch.45

**Certificates of age or schooling.** Child under 14 must present to employer age and schooling certificate approved by superintendent of schools or clerk of board of trustees, etc. upon satisfactory proof of age of child and that he has successfully completed common school branches or if between 14 and 16, knowledge of his ability to read and write legibly the English language. Employer of children under 16 required to keep on file such certificate. *Idem*

**Penalties for violation by employer.** For employing child under 14 who is not in possession of age and schooling certificate or child between 14 and 16 who is unable to read and write English, fine of not less than \$25 nor more than \$50 for each offense.

L. 1903 ch.45

For employing child under 16 in a mine, employer and parent may be fined not less than \$25 nor more than \$500 or imprisoned in county jail not less than 30 days nor more than 6 months or both.

L. 1905 ch.16

**Law enforced by whom.** Truant officer may visit factory and enforce provisions of act.

L. 1903 ch.45

**NEBRASKA****Compulsory attendance law**

**Compulsory school age.** 7-15. L. 1905 ch.140

**Period of compulsory attendance.** Not less than two thirds entire time school is in session, which in no case shall be for less period than 12 weeks.

*Idem*

**Exemptions.** Children are exempt who attend private or parochial school, are taught at home or elsewhere by qualified person, 14 years of age and indigent, physically or mentally incompetent or live 2 miles from school. In case exemption is granted indigent child of 14, he may be required to attend public evening or other school for not less than 2 hours each school day during school sessions.

*Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$25. L. 1901 ch.70

**Law enforced by whom.** Truant officers.

*Idem*

**Attendance officer: how appointed.** By boards of education in cities.

L. 1901 ch.70

In other districts school authorities report violations to superintendent of county, who prosecutes offenders. L. 1905 ch.141

**Truant or parental schools.** May be established by board of education in cities for habitual truants and incorrigibles. *Idem*

**Common school law**

**Age at which children may be admitted to public school.** 5-21.

C. S. 1903 ch.79 §5490

**Subjects taught in public school.** Applicants for 3d grade, county certificates must qualify in following subjects: arithmetic, United States history, reading, English grammar, penmanship, geography, etc. physiology and hygiene with special reference to effect of alcohol and narcotics on human system. C.S 1905 §5548 o-s

**Deaf, dumb and blind**

All blind or deaf persons between 7 and 18 are required to attend institute for blind or school for deaf unless privately instructed. Law enforced by truant officer. L. 1905 ch.140

**Delinquent and dependent children**

Juvenile Court and probation officers in counties having over 40,000 population. Probation officers in other districts appointed by judge of District Court having charge of juvenile docket. Delinquent and dependent children under 16 may be committed to custody of probation officer, placed in suitable family home or committed to industrial school for boys and girls; term of commitment shall not extend beyond 16th birthday. L. 1905 ch.59

**State industrial schools** for education of juvenile offenders and young criminals under 18. C. L. 1903 §4836

**Child labor**

**Prohibited employments.** No child under 10 may be employed in any manufacturing, mechanical, industrial or mercantile establishment. No child under 14 may be so employed except during vacation of public school unless they attend school where English is taught 20 weeks each and every year.

C. L. 1903 Crim. C. §7967-71

Employment of child in occupations dangerous to health is prohibited.

*Idem* §3719

**Exceptions.** See Attendance law.

**Educational requirements.** Child under 14 is required to attend public or private day school where English is taught at least 20 weeks each and every year.

*Idem* §7967-71

**Certificates of age or schooling.** Child under 14 is required to present certificate signed by president and secretary of school board, to effect that he has attended school 20 weeks, etc. Employer of children in above mentioned establishments is required to keep on file certificate of age, place of birth, residence etc., of all children under 16, which shall state, if the child is under 14, period of school attendance during the year next preceding his employment.

*Idem*

**Hours of labor during day and week.** 10 hours shall constitute a day's labor for laborers and mechanics throughout the state.

*Idem* §6273

No female may be employed in a manufacturing, mechanical or mercantile establishment, hotel or restaurant more than 10 hours in one day or 60 hours in one week.

*Idem* §7955

**Night work prohibited.** No female may be employed in above mentioned occupations between 10 p. m. and 6 a. m.

*Idem* §7955

**Penalties for violation by employer.** For violating labor law, fine of not less than \$20 nor more than \$50.

*Idem* §7970

For violating law regulating hours of labor, fine of not less than \$50 nor more than \$200.

*Idem* §6273

For employing female in violation of law regulating hours of labor, fine of not less than \$25 nor more than \$50.

*Idem* §7958

**Law enforced by whom.** Deputy labor commissioner.

*Idem* §7967-71

**NEVADA****Compulsory attendance law**

**Compulsory school age.** 8-14.

C.L. 1861-1900 §1380-85

**Period of compulsory attendance.** 16 weeks of which 8 shall be consecutive.

*Idem*

**Exemptions.** Children are exempt who are taught in private school or at home in public school branches, have already acquired branches, are physically or mentally incompetent or do not live within 2 miles of school.

*Idem*

**Amount of fine imposed on parent.** If, on expiration of 4 months, it appears to board of school trustees that parent has failed to comply with law, he may be fined not less than \$50 nor more than \$100, first offense, and not less than \$100 nor more than \$200, subsequent offense, with costs.

*Idem*

**Disposition of fine.** Paid into state school fund.

*Idem*

**Law enforced by whom.** Board of school trustees. It is the duty of board of school trustees to furnish principal of school list of all children between 8 and 14, and at beginning of each school month it is the duty of principal to report to trustee names of all children attending school the previous month. *Idem*

#### Common school law

**Age at which children may be admitted to public school.** 6-21

C.L.1861-1900 §1278

**Subjects taught in public school.** Reading, writing, arithmetic, spelling, language, grammar, geography, history of the United States, drawing, physiology with special reference to effect of alcohol and narcotics on the human system, etc. L.1901 ch.23

**Kindergartens.** May be established in district no. 10, Washoe county.

L.1901 ch.22

School districts having 300 children may establish kindergartens. *See* School law of Nevada.

#### Deaf, dumb and blind children

Superintendent of public instruction is authorized to make arrangements with directors of any institution for deaf, dumb and blind in state of California, for instruction of indigent deaf, dumb and blind without expense.

L.1905 ch.147

#### Delinquent and dependent children

Pauper minors may be apprenticed.

C.L.1861-1900 §2158

#### No child labor law

**Hours of labor during day and week.** Hours of labor for workmen in mines, etc. 8. Penalty for violation, fine of not more than \$500 nor less than \$100 or imprisonment not more than 6 months or both.

L.1903 ch.10

### NEW HAMPSHIRE

#### Compulsory attendance law

**Compulsory school age.** 8-14. 14-16 if child is unable to read at sight and write legibly simple sentences in the English language. L.1903 ch.13

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private school, have already acquired branches, or are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of \$10 first offense and \$20 subsequent offense. *Idem*

**Disposition of fine.** For use of district. *Idem*

**Law enforced by whom.** Attendance officers. P.S.1901 ch.92

**Attendance officers: how appointed.** By school boards. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 5-21.

*Idem* ch.92

**Subjects taught in public schools.** School board shall prescribe studies and prescribe study of physiology and hygiene with special reference to effect of alcohol and narcotics on human system.

*Idem* ch.92

Reading, writing, English grammar, arithmetic, geography, etc.

*Idem* ch.88

**Night schools.** May be established on petition of 5% of legal voters in cities and towns having more than 5000 inhabitants, for instruction of persons over 14.

L.1901 ch.112

### Deaf, dumb and blind children

Appropriation is annually made for support and education of indigent deaf, dumb and blind in the state. Upon recommendation of board of guardians and corrections, they shall be sent to such asylums, schools or institutions as the Governor and Council may direct.

P.S.1901 ch.86

### Delinquent and dependent children

Minor under 17, convicted of offense punishable by imprisonment may be sentenced to Industrial School until 21st birthday.

*Idem* ch.284

Habitual truants may be committed to Industrial School.

*Idem* ch.93

### Child labor

**Prohibited employments.** No child under 12 may be employed in any manufacturing establishment. No child under 14 may be employed in such establishment nor in any mechanical, mercantile or other employment during time public schools are in session. No child under 16 may be employed in such establishments while school is in session unless in possession of age and schooling certificate.

L. 1901 ch.61 p.550

No child under 14 may be employed in occupations dangerous to health or morals.

P. S. 1901 ch.265

No male under 21 or female may be employed in a saloon.

L. 1905 ch.49 §9

**Educational requirements.** No minor under 16 may be employed in above mentioned establishments unless able to read at sight and write legibly simple sentences in the English language or is in regular attendance at a day or evening school if one is maintained in the district in which he resides.

L. 1901 ch.61

**Exceptions.** Superintendent may issue permit authorizing employment of minor for such period as he may determine who furnishes certificate of physician, satisfactory to superintendent etc., showing that physical condition of minor renders attendance at night school in addition to labor prejudicial to health.

*Idem*

**Certificates of age or schooling.** No child under 16 may be employed in any manufacturing establishment nor in any mechanical, mercantile or

other employment during period public schools are in session unless he presents statement of age from his parent sworn to before superintendent of schools, etc. and also certificate of superintendent to effect that he is able to read at sight and write legibly simple sentences in the English language.

*Idem*

**Hours of labor during day and week.** No woman and no minor under 18 may be employed in a manufacturing or mechanical establishment more than 10 hours in one day or 60 hours in one week or 58 hours during the months of July and August. Employer is required to post notice to that effect.

L. 1905 ch.102 p.518

**Exceptions: work allowed overtime.** To make shorter day's work for one day in week, or to make up time lost in same week in consequence of stopping of machinery or when it is necessary to make repairs to prevent interruption of ordinary running of machinery but in no case to exceed 60 hours in one week.

*Idem*

**Penalties for violations by employer.** For employing child who is not in possession of age and schooling certificate, fine of not more than \$50.

L. 1901 ch.61

For violating law regulating number of hours of labor, fine not to exceed \$50.

P. S. 1901 ch.180

For making false statement in age and schooling certificate, superintendent of schools or person may be fined not less than \$20 nor more than \$50.

L. 1901 ch.61

Parents violating labor law may be fined not more than \$20.

*Idem*

**Disposition of fine.** Fine imposed on parent applied to use of evening schools. Fine imposed on employer applied to use of district.

L. 1901 ch.61

**What constitutes evidence of violation.** Failure of employer to produce age and schooling certificate.

P. S. 1901 ch.92

**Law enforced by whom.** State Superintendent of Public Instruction and may appoint deputy for purpose.

L. 1901 ch.61

Truant officer may prosecute employer.

P. S. 1901 ch.92

## NEW JERSEY

### Compulsory attendance law

**Compulsory school age.** 7-14.

L. 1905 ch.180

**Period of compulsory attendance.** While school is in session.

*Idem*

**Exemptions.** Children are exempt who receive equivalent instruction elsewhere or are physically or mentally incompetent.

*Idem*

**Amount of fine imposed on parent.** Offenders punishable as disorderly persons.

*Idem*

**Law enforced by whom.** Truant officers. Police authorities in cities.

L. 1902 ch.36 art. 15; 1905 ch.180

**Attendance officers: how appointed.** By board of education. Police authorities in cities shall on written request of board of education act as truant officers.

L. 1902 ch.36

**Truant or parental schools.** May be established by board of education for habitual truants and incorrigibles between 7 and 15.

*Idem*

**Common school law**

**Age at which children may be admitted to public school.** 5-20.

L. 1902 ch. 36 art. 9

**Subjects taught in public school.** Reading, writing, spelling, English grammar and geography.

L. 1905 ch. 180

**Physiology and hygiene with special reference to effect of alcohol and narcotics on human system.**

L. 1902 ch. 36 art. 29 p. 163

**Kindergartens.** May be established for children between 4 and 7.

*Idem* art. 12

**Night schools.** May be established by board of education for instruction of persons over 12.

*Idem* art. 13

**Deaf, dumb and blind**

**Indigent deaf, mute and blind not under 5** may be instructed in suitable institutions at state expense. Term of instruction 3 years, which may be extended to term not exceeding 8 years. G. S. § 1709-1895 p. 1179-83

**Indigent deaf mutes under 21** may be admitted to New Jersey School for Deaf Mutes for term not to exceed 14 years, without expense.

L. 1902 ch. 36 art. 22

**Delinquent and dependent children**

**Juvenile Court and probation officers.**

L. 1903 ch. 219

**Delinquent children under 16** may be committed to State Home for Boys or State Home for Girls or placed under supervision of probation officer.

L. 1903 ch. 219

**Girls under 19** may be committed to State Home for Girls. L. 1905 ch. 240

**Dependent children** may be placed under care of board of children's guardians and placed by them in suitable family home. L. 1902 ch. 160; 1899 ch. 165

**Schools of detention for habitual truants and incorrigibles** may be established by boards of chosen freeholders in any county having a population of 150,000 or more, where Juvenile Courts are or hereafter may be established.

L. 1906 ch. 37

**Child labor**

**Prohibited employments.** No child under 14 may work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on.

L. 1904 ch. 64

No child under 16 may clean machinery in motion.

*Idem*

**Employment of child under 18** in occupations dangerous to health and morals is prohibited.

L. 1898 ch. 235 no. 56; *see also* L. 1903 ch. 59

**Certificates of age or schooling.** Following proof of age must be filed with employer and also with Department of Labor. Parents of native born child under 16 are required to swear to affidavit, giving name of child, residence, giving street and number, date and place of birth, name of father, maiden name of mother, church attended, school last attended and time when, if any, and where church and school are situated and, if child was baptized, name and location of church or parish in which baptism took place; also furnish transcript of record of child's birth, duly attested by an officer having authority to keep



records of birth in the state, county, town or city in which child was born, or if not obtainable, certified copy of baptismal record of church where baptized. Foreign born child is required in addition to furnish copy of passport under which admitted to this country. In other cases Commissioner of Labor may issue permits of employment to child upon production of satisfactory evidence of child's age provided he shall first be satisfied that the child can not obtain a transcript of birth record, a baptismal certificate or passport. Labor Commissioner or Inspector may demand of parent satisfactory proof of age of child, and on failure to furnish same, child shall be discharged from employment. Commissioner of Labor etc. may also demand certificate of physical fitness from practising physician in case of minors under 16 who seem physically unable to perform work and may prohibit their employment. Employer is required to keep on file proofs of age and also register containing name, place of residence and time of employment of children under 16 employed in above mentioned establishments.

L. 1904 ch.64

**Hours of labor during day and week.** No minor under 16 may be employed in above mentioned establishments more than 55 hours in one week or 10 hours in one day.

L. 1904 ch.64; 1905 ch.102

**Night work prohibited.** No person under 18 may be employed in any bakery between the hours of 7 in the afternoon and 7 in the forenoon following.

L. 1905 ch.102

**Penalties for violations by employer.** For illegal employment of child under 14, parents and employers may be fined \$50.

L. 1904 ch.64

Persons swearing falsely to affidavits or presenting false certificate or passport may be fined \$50. For violating law regulating hours of labor, fine of \$50.

L. 1904 ch.64

For unlawful employment of persons under 18 in bakeries, fine of \$50, first offense and \$100, subsequent offense.

L. 1905 ch.102

**Law enforced by whom.** Commissioner of Labor.

L. 1904 ch.64; 1905 ch.102

Truant officer may visit factory.

L. 1904 ch.64

## NEW MEXICO

### Compulsory attendance law

**Compulsory school age.** 7-14.

L.1903 ch.39

**Period of compulsory attendance.** 3 months in each year.

*Idem*

**Exemptions.** Children are exempt who attend private or denominational school, are physically or mentally incompetent (physical disability must be certified to by some regular physician), or where there is no school within 2 miles of residence of child.

*Idem*

**Amount of fine imposed on parent.** Not less than \$5 nor more than \$25 or imprisonment not more than 10 days in any county jail.

*Idem*

**Disposition of fine.** Paid into county treasury for benefit of school district.

*Idem*

**Law enforced by whom.** County superintendents shall require school directors or boards to enforce law. Presiding judge of District Court shall give at each session of court substance of law as special charge to grand jury and district attorneys are required to prosecute offenders.

*Idem*

**Common school law**

**Age at which children may be admitted to public school.** 5-21.

L.1905 ch.23

**Subjects taught in public school.** Orthography, reading, writing, arithmetic, grammar, geography, English language and history of United States.

C.L.1897 §1529

Physiology and hygiene with special reference to effect of alcohol and narcotics on the human system shall be taught.

U.S.S. ch.362

**Deaf, dumb and blind children**

Free instruction at Mexico Asylum for Deaf and Dumb between 8 and 21. Compulsory attendance law is applicable to such children. Parents failing to comply with law, guilty of a misdemeanor. Law enforced by school directors. Clerks of school districts and boards of education shall report to school superintendents of respective counties, names of such children and such superintendents shall report names to asylum.

L.1899 ch.42

Indigent blind persons between 5 and 21 may be admitted to Institute for Blind at state expense.

L.1903 ch.2

**Delinquent and dependent children**

Vagrants and minors under 18, convicted of offenses punishable by imprisonment in territorial prison, may be sentenced to reform school for term not to exceed one year.

L.1903 ch.2

Indigent children may be committed to Industrial School.

L.1897 §1617-22

**No child labor law**

No minor under 21 may frequent any saloon and it is unlawful to sell liquors or cigars to a minor under 18. Penalty for violation, fine of not less than \$25 nor more than \$100 or imprisonment not less than 30 days nor more than 3 months, or both, in discretion of court.

L.1901 ch.3

Fines to be paid into school funds.

L.1903 ch.119

**NEW YORK****Compulsory attendance law**

**Compulsory school age.** 8-14. 14-16 if not regularly and lawfully engaged in any useful employment or service.

Cummings & Gilbert's G.L. and S. Sup.1906 p.1407-14

**Period of compulsory attendance.** As many days annually during the period between the first days of October and the following June, as the public school of the district or city in which such child resides shall be in session.

Boys between 14 and 16 employed in cities of the first and second class, who do not hold a certificate of graduation from the public elementary school or a preacademic Regents certificate are required to attend evening schools for not less than 6 hours each week for a period of not less than 16 weeks in each school or calendar year.

*Idem*

**Exemptions.** Children are exempt who are physically or mentally incompetent or attend private school. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$5, first offense; fine not to exceed \$50 or imprisonment not to exceed 30 days, or both, subsequent offense. *Idem*

**Law enforced by whom.** Attendance officers or school authorities.

*Idem; see "Penalties"*

**Attendance officers: how appointed.** By the school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village. In all other districts by the town board, subject to the written approval of the school commissioner. *Idem*

**Truant or parental schools.** May be established by the school authorities of any city or school district for habitual truants or disorderly children between 8 and 16; term of commitment not to exceed 2 years. Or such truants may be committed to private school, orphans home or similar institution controlled by persons of same religious faith as persons in parental relation to child. *Idem*

**Penalty for nonenforcement of attendance law.** The Commissioner of Education is authorized to withhold one half the public school moneys for nonenforcement of the law. *Idem*

School authorities responsible for the loss of moneys may be required to pay to the district the full amount of such moneys with interest thereon.

*Idem* 1901 p.3617

#### Compulsory attendance law for Indian reservations

**Compulsory school age.** 6-14. 14-16 if not regularly and lawfully engaged in any useful employment or service. *Idem* Sup.1906 p.687-91

**Period of compulsory attendance.** Annually during the period between September 1 and the following July. *Idem*

**Exemptions.** Children are exempt who are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$5 or imprisonment not to exceed 10 days, first offense; fine not to exceed \$25 or 30 days imprisonment, or both, second offense. *Idem*

**Law enforced by whom.** Attendance officers. *Idem*

**Attendance officers: how appointed.** By superintendent of Indian schools on respective reservations. *Idem*

**Truant or parental schools.** Superintendent of Indian schools may contract with any city or district having truant school for confinement of truants. *Idem*

#### Common school law

**Age at which children may be admitted to public school.** 5-21.

*Idem* 1901 p.3550

**Subjects taught in public schools.** Reading, spelling, writing, arithmetic, English grammar and geography. *Idem* Sup.1906 p.1407-14

Physiology and hygiene with special reference to effect of alcohol and narcotics on the human system. *Idem* 1901 p.3623

Vocal music may be taught in cities and union free school districts.

*Idem* p.3627

**Kindergartens.** May be established by school authorities of union free or common school district located in county having less than 1,000,000 inhabitants. *Idem* 1901 p.3627

**Night schools.** No special provision in school law for establishing, except in cities of the first and second class; also said schools are provided for in certain city charters. Boys between 14 and 16 employed in cities of the first and second class who do not hold a certificate of graduation from the public elementary school or a preacademic Regents certificate are required to attend evening schools. *Idem* Sup. 1906 p.1407-14

### Deaf, dumb and blind children

Deaf and dumb residents of state, 12 years of age and over may be admitted to deaf and dumb institutions of state. Parents to pay portion of expense when able to do so. *Idem* Sup. 1906 p.1406-7; see 1901 p.1022-27

Blind persons of suitable age, etc. may be admitted to institutions for blind. *Idem* 1906 p.1406-7; see 1901 p.419-29

### Delinquent and dependent children

Juvenile Courts and probation officers in New York city.

L. 1902 ch.590; 1904 ch.508

Juvenile Court in Rochester.

L. 1905 ch.543

Police justices in Buffalo appoint probation officers.

L. 1902 ch.549

Young criminals or vagrant males under 16 may be committed to State Industrial School at Rochester or New York House of Refuge at Randall's island. No child under 12 may be committed to such institutions for offense less than felony. *Idem* Sup. 1906 p.185-88; also p.202-6

Criminal and vagrant girls under 16 may be committed to New York State Training School for Girls at Hudson. No girl under 12 may be so committed for a crime or offense less than a felony. *Idem* Sup. 1906 p. 189-96

Incorporated orphan asylum schools outside of New York city, participate in distribution of school moneys. *Idem* 1901 p.3630

Superintendent or overseer of poor may place out dependent children in family homes by adoption, indenture or otherwise. *Idem* Sup. 1906 p.1173

May be placed by such officers in orphan asylums or other suitable institutions. *Idem* 1901 p.2712

### Child labor law

**Prohibited employments.** No child under 14 may be employed in any business or service whatever during any part of the term the public schools are in session. *Idem* Sup. 1906 p.1407-14

No child under 14 may be employed in any factory and no such child may be employed in any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages.

No child between 14 and 16 may be employed in above mentioned establishments unless in possession of a school record certificate issued by the superintendent of schools, and an employment certificate issued by the local board of health, etc. *Idem* Sup. 1906 p.902-9, 923-29

No child between 14 and 16 may be employed in any business or service who is not in possession of a school record certificate and in cities of the first and second class boys between 14 and 16 who do not hold a certificate of graduation from the public elementary school or a preacademic Regents certificate are required in addition to attend evening schools not less than 6 hours each week for a period of not less than 16 weeks in each school or calendar year until they have completed grammar school course. *Idem* p.1407-14

No child under 16 and no female may be employed in any mine or quarry in this State. *Idem* p.923

No male under 18 or female under 21 may clean machinery while in motion and no child under 16 may operate dangerous machinery in a factory. *Idem* p.909

No child under 15 may operate an elevator in a factory and no person under 18 may operate an elevator therein running at a speed of over 200 feet a minute. *Idem* p.908

No male under 18 or female may be employed in a factory at polishing and buffing, etc. *Idem* p.912

Employment of child under 16 in occupations dangerous to health or morals or in a saloon, prohibited. Pen. C. §290-92

No male under 10 or female under 16 may sell newspapers in a city of the first or second class. Males under 14, so employed, are required to be in possession of permit and badge issued by district superintendent of board of education, etc. Cumming & Gilbert's G. L. and S. Sup. 1906 p.930-31

No Indian child between 6 and 14 may be employed while school is in session. *Idem* p.687-91

Indian children between 14 and 16 are required to be in possession of certificate issued by superintendent of Indian schools authorizing employment. *Idem*

**Exceptions.** Children of the age of 12 who are able to read and write simple sentences in the English language, may be employed in mercantile establishments, business office or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages in villages and cities of the second and third class during summer vacation of the public schools. *Idem* p.923-29

**Educational requirements.** Child between 14 and 16 is required to be in possession of a school record certificate signed by the superintendent of schools, or by the principal or principal teacher of the school attended, etc., certifying that he attended school 130 days during the 12 months next preceding his 14th birthday or during the 12 months next preceding his application for a record certificate, that he received instruction during such period in reading, spelling, writing, English grammar and geography, is able to read and write simple sentences in the English language and is familiar with the fundamental operations of arithmetic, etc. Children between 14 and 16 in cities of the first and second class who do not hold a certificate of graduation from the public elementary school or a preacademic Regents certificate are required in addition to attend evening school for not less than 6 hours each week for a period not less than 16 weeks in each school or calendar year, until they have completed grammar school course.

*Idem* p.902-9, 923-29, 1407-14

**Certificates of age and schooling.** Children between 14 and 16 years of age employed in factories and mercantile establishments are required to file with employer an employment certificate.

Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested and who has presented the school record and affidavit above provided for, is in fact over 14 years of age and that satisfactory documentary evidence of such age can be produced which does not fall within any of the provisions of subdivision 2 of this section, and that none of the papers mentioned in said subdivision exists or can be produced, then and not otherwise he shall present to the board of health of which he is an officer, or agent for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, in its discretion, in a proper case, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board and shall be received in place of the papers specified and required by subdivision 2 of this section. On due proof, in like manner, that a child who is a graduate of a public school of the state of New York or elsewhere having a course of not less than eight years, or of a school in the state of New York other than a public school, having a substantially equivalent course of study of not less than eight years duration, and in which a record of the attendance of such child has been kept as required by the compulsory education law, and who produces and files a certificate of graduation duly issued to him therefrom, and who is recorded in the school records as 14 years of age, is unable to further produce the evidence of age required by subdivision 2 of this article, the board may, by resolution, permit the issuance to such child of an employment certificate and dispense with such evidence of age as is in said subdivision provided. Such employment certificate shall not be issued until such child farther has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is 14 years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Employer of minors under 16 in factories, mercantile or other establishments are required to keep register containing name, birthplace, age and place of residence of such children. *Idem* p.902-9, 923-29

Children of the age of 12 employed in cities and villages of the second and third class during summer vacations are required to be in possession of an employment certificate, except that a school record shall not be required. *Idem* p.923-29

A permit and badge shall not be issued to a child under 14 to sell newspapers in cities of the first and second class until the officer issuing the same shall have on file satisfactory proof that such child is 10 years of age and upwards. Such permit shall be worn at all times by the child when working and shall expire at the end of one year from their issue.

**Hours of labor during day or week.** No child under 16 may be employed in a factory more than 8 hours in one day. No minor under 18 and no female may be so employed more than 10 hours in one day, except to make a shorter workday on the last day of the week, nor more than 60 hours in one week. Employer required to post notice to that effect. L.1907 ch.286

No minor under 16 may be employed in a mercantile or other establishment more than 54 hours in one week or 9 hours in one day. L.1905 p.923-29

No female between 16 and 21 may be employed in a mercantile establishment more than 10 hours in one day except to make a shorter workday on the last day of the week nor more than 60 hours in one week. *Idem*

**Exceptions.**

*Idem* p.923-29

**Night work prohibited.** No minor under 16 may be employed in a factory before 8 a. m. or after 5 p. m. No minor under 18 or female may be so employed before 6 a. m. or after 9 p. m. L.1907 ch.286

No child under 16 may be employed in a mercantile or other establishment before 7 a. m. or after 10 p. m. In cities of the first class, no minor under 16 may be so employed after 7 p. m. L.1905

No female between 16 and 21 may be so employed before 7 a. m. or after 10 p. m. *Idem* p.923-29

No child under 14 to whom a permit and badge is issued to sell newspapers may be employed after 10 p. m. *Idem* p.930-31

**Penalties for violation.** For violating labor law regulating employment of women and children in factories and mercantile establishments or making false statement in employment certificate, fine of not less than \$20 nor more than \$100 first offense; fine of not less than \$50 nor more than \$200 or imprisonment not more than 30 days or both, second offense and not less than \$250 or imprisonment not more than 60 days, or both, third offense. Pen.C. §3841

For employing child between 14 and 16 who is not in possession of a school record certificate fine of not less than \$50.

Cumming & Gilbert's G.L. and S. Sup.1906 p.1407-14

**Disposition of fine.** Fine imposed under attendance law shall be applied to use of public schools. *Idem*

**Law enforced by whom.** Factory Inspector. *Idem* 1901 p.2056

Local boards of health enforce mercantile law. *Idem* Sup.1906 p.923-29

Treasurer of city or village or town supervisor may bring action against employers who violate employment provisions of attendance law. Attendance officer may visit factories, mercantile and other establishments. *Idem* p.1407-4

## NORTH CAROLINA

## Compulsory attendance law

No general compulsory education law but a local option bill, providing for compulsory education for 16 weeks, in entire state, is now pending before the Legislature.

Attention is called to the following provision of the Constitution:

The General Assembly is empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of 6 and 18 for a term of not less than 16 months.

Const. art. 1 §27, art. 9 §12, 15

## Compulsory attendance law in Asheville

**Compulsory school age.** 8-14. 14-16 if not regularly and lawfully engaged in some useful employment or service. L.1906 ch.649

**Period of compulsory attendance.** Not less than 8 school months in each calendar year. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, have completed elementary course of study, receive equivalent instruction at home or elsewhere are indigent or physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent, etc.** Fine of not less than \$5 nor more than \$25 or imprisonment for not less than 2 nor more than 30 days. Each day of absence after service of notice constitutes separate offense. *Idem*

**Disposition of fines.** Credited to permanent school fund of city. *Idem*

**Law enforced by whom.** Attendance officers. *Idem*

**Attendance officers: how appointed.** By school committee of the city. *Idem*

**Truant or parental schools.** May be established by the school committee for incorrigible and habitual truants between 8 and 16. *Idem*

## Compulsory attendance law in Washington city

**Compulsory school age.** 7-16. L.1903 ch.644

**Period of compulsory attendance.** Children between 7 and 12 are required to attend as many days annually as the public school shall be in session. Children between 12 and 14 are required to attend at least 100 days and continuously thereafter, if not employed, and children between 14 and 16 are required to attend during school sessions unless regularly and lawfully engaged in some useful employment or service. *Idem*

**Exemptions.** Children are exempt who have completed common school branches, are instructed at home by qualified person, indigent or physically and mentally incompetent. *Idem*

**Amount of fine imposed on parent or guardian.** Fine of not less than \$1 nor more than \$20. *Idem*

**Disposition of fine.** Paid into school fund. *Idem*

**Law enforced by whom.** Police act as truant officers. *Idem*

**Attendance officers: how appointed.** Board of school trustees determines how many and what members of police force shall act as attendance officers. *Idem*



**Compulsory attendance at government Indian school at Cherokee, N. C.**  
(Act does not apply to any child, parent or guardian with less than one eighth Indian blood.)

**Compulsory school age.** 7-17. L. 1905 ch. 213

**Period of compulsory attendance.** 9 months. *Idem*

**Exemptions.** Children exempt who are physically or mentally incompetent, absent because of illness of parents or for other legal excuse. *Idem*

**Penalty for violation.** Fine or imprisonment, in discretion of court. *Idem*

**Law enforced by whom.** School authorities. *Idem*

#### Raleigh township

**Compulsory school age.** 8-12. L. 1905 ch. 570

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private school or are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$10 or imprisonment not to exceed 10 days. Parents may give bond in sum not to exceed \$50. *Idem*

**Law enforced by whom.** Attendance officer. *Idem*

**Attendance officer: how appointed.** By public school committee. *Idem*

#### Camden county

**Compulsory school age.** 8-14. L. 1903 ch. 609

**Period of compulsory attendance.** 12 weeks in each scholastic year.

**Amount of fine imposed on parent.** \$1 for every week he lacks of attending school prescribed time. *Idem*

**Law enforced by whom.** County board of education.

#### Common school laws

**Age at which children may be admitted to public school.** 6-21.

Revisal of 1905 §4085 p. 4084

**Subjects taught in public school.** Spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, history and Constitution of North Carolina and United States, elements of agriculture and oral instruction, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, etc. *Idem* §4087

#### Deaf, dumb and blind children

Deaf, dumb and blind between 7 and 21 may be admitted to State School for Deaf, Dumb and Blind. *Idem* §4187-201

Deaf and dumb children between 8 and 23 may be admitted to North Carolina School for Deaf and Dumb. *Idem* §4202-6

#### Delinquent and dependent children

Indigent children may be sent to children's home, which may be established in several counties in the state. L. 1891 ch. 337

### Child labor

**Prohibited employments.** No child under 12 may be employed in a factory or manufacturing establishment. R. L. 1905 §3362-64

No child under 12 may be employed in a mine. *Idem* §4931

No child under 16 may be employed in the city of Washington while school is in session unless he furnishes employer age and schooling certificate which shall include statement of parent showing age of child and statement of superintendent of public graded school that he is able to read and write legibly simple sentences in the English language. L. 1903 ch.644

No child under 14 may be employed in any factory, workshop or mercantile establishment or in any other manner in the city of Asheville during the hours school is in session, unless employer procure certificate of superintendent or teacher of school that child last attended, stating that such child attended school required period or is excused from attendance [see "Exemptions" Compulsory attendance law]. L. 1906 ch.649

**Exceptions.** Child under 12 may be employed in oyster, canning and packing manufacturies where such canning and packing manufacturies pay for opening or shucking of oysters by the gallon or bushel. (General provision) R. L. 1905 §3362-64

**Certificates of age or schooling.** Upon hiring children to factory or manufacturing establishment parents required to furnish written statement of age. (General provision) *Idem*

In city of Asheville, when doubt exists as to age of child, attendance officer shall require properly attested birth certificate or affidavit stating age, date of birth and physical characteristics of child. L. 1906 ch.649

Employers of children under 16 in city of Washington, while school is in session, required to keep on record name, age, sex and residence of each such child. L. 1903 ch.644

Inspector of mines may require affidavit of parents giving age of minors employed in a mine. R. L. 1905 §4931

**Hours of labor during day or week.** Persons under 18, except engineers, firemen, machinists, superintendents, overseers, section and yard hands, office men, watchmen, repairers of breakdowns, may not be employed in a factory or manufacturing establishment more than 66 hours in one week. (General provision) R. L. 1905 §3362-64

**Night work prohibited.** No child under 14 may be employed in city of Washington between 7 in the evening and 6 in the morning. L. 1903 ch.644

**Penalties for violations by employer.** Employers violating labor law guilty of a misdemeanor. Parents making false statements as to age of child also guilty of a misdemeanor. Employers violating law regulating hours of labor guilty of a misdemeanor. L. 1905 §3362-64

For violating labor law in the city of Washington, fine of not less than \$2 nor more than \$50. L. 1903 ch.644

For violating labor law in city of Asheville, fine of not less than \$10 nor more than \$50 or imprisonment not less than 5 nor more than 30 days. L. 1906 ch.570

**Disposition of fines.** In city of Washington and city of Asheville, credited to school funds. L. 1906 ch.649; 1903 ch.644

**Law enforced by whom.** Attendance officers may visit factories in Asheville. L. 1906 ch.649

Also in Washington city. L. 1903 ch.644

**Inspector of mines.** R. L. 1905 §4931

**NORTH DAKOTA****Compulsory attendance law**

**Compulsory school age.** 8-14.

L. 1905 ch.100

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, have already acquired branches of learning, are indigent, physically or mentally incompetent or where there is no school within  $2\frac{1}{2}$  miles of residence. Act does not apply to child between 8 and 14 whose parent desires to send such child for period not exceeding 4 months to any parochial school for purpose of preparing child for religious duties. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$20, first offense and not less than \$10 nor more than \$50, subsequent offense and costs. *Idem*

**Law enforced by whom.** In cities of 5000, truant officer. It is the duty of clerk or secretary of board of education to notify county superintendent who shall lay case before state attorney. *Idem*

**Attendance officers: how appointed.** By boards of education in cities of over 5000. *Idem*

**Common school law**

**Age at which children may be admitted to public school.** 6-21. *Idem*

**Subjects taught in public school.** Orthography, reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on human system, etc. L. 1905 ch.106

**Deaf, dumb and blind children**

Appropriation made for establishment of institution for blind. Act provides that persons being cared for elsewhere at expense of state shall be transferred to such institution. L. 1905 ch.15

School board is required to furnish census of deaf, dumb and blind persons between 5 and 21 to superintendent of schools for deaf, dumb and blind.

L. 1905 ch.103

Parents of deaf or feeble-minded children between 7 and 21 are required to send children to school for deaf or feeble-minded at least 8 months in each school year. [For "Exemptions" see Compulsory attendance law]

L.1905 ch.100

Deaf and dumb persons of suitable age, etc. may be admitted to deaf and dumb asylums, at state expense. R. C. 1899 §951-66, 967-73a

**Delinquent and dependent children**

Children under 18 guilty of a crime or incorrigible may be committed to State Reform School during minority. R. C. 1899 §8581

Indigent children may be bound to service by county commissioners until majority. *Idem* §2834

**Child labor**

**Prohibited employments.** No child under 12 may be employed in a mine, factory or workshop. *Const. art.17 §209*

No child between 8 and 14 may be employed during the hours the public school is in session, in any mine, factory, workshop or mercantile establishment or, except by his parents, in any other manner unless the employer procure certificate of superintendent of schools, etc., stating that such child has attended school 12 weeks during the year, or is excused from attendance as provided in the compulsory attendance law. *R.C.1899 §762-64*

**Exceptions.** Where child is employed by his parents. *Idem*

**Educational requirements.** Child between 8 and 14 years of age is required to attend school for 12 weeks. *Idem*

**Certificates of age or schooling.** Employer of child between 8 and 14 in above mentioned establishments is required to procure certificate of superintendent of schools or clerk of board of education that he has attended school 12 weeks during the year, or is excused from attendance, as provided in the compulsory attendance law. *Idem*

**Hours of labor during day and week.** No child under 18 or woman may be compelled, and no child under 14 permitted to work in above mentioned establishments more than 10 hours in any one day. *Idem §7666*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$20 nor more than \$50 and costs. Persons making false statements in certificates may be fined not less than \$20 nor more than \$50 and costs. *Idem §762-64*

For violating law regulating hours of labor, fine of not less than \$10 nor to exceed \$100. *Idem §7666*

**Disposition of fine.** For benefit of school fund. *Idem §762-64*

**Law enforced by whom.** President of board of education or school board. *Idem §761*

**OHIO****Compulsory attendance law**

**Compulsory school age.** 8-14. 14-16 if not regularly employed.

*Bates Ann.S.1787-1906 §4022-1*

**Period of compulsory attendance.** While school is in session, which shall be for not less than 24 weeks. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, are instructed at home by qualified person or physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$20, on refusal to pay either, imprisonment in county jail for not less than 10 nor more than 30 days. *Idem*

Parent may be required to give bond in sum of \$100. *Idem §4022-7*

**Disposition of fine.** To be paid into school funds. *Idem §4022-11*

**Law enforced by whom.** Truant officers. *Idem §4022-5*

**Attendance officers: how appointed.** By board of education in city districts, and in special village or township districts, such board shall appoint constable or other person. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21. *Idem* §4013

**Subjects taught in public school.** Reading, spelling, writing, arithmetic, English language, English grammar and composition, geography, history of the United States, civil government, physiology and hygiene, etc.

*Idem* §4007-1

Instruction shall be given as to effect of alcohol and narcotics on human system.

*Idem* §4020-23

**Kindergartens.** May be established by board of education. *Idem* §4020-18

**Night schools.** May be established by board of education on petition of parents, which petition shall contain names of not less than 25 youths of school age who will attend.

*Idem* §4012

### Deaf, dumb and blind children

State Commissioner of Schools shall on application of board of education, permit establishment of day schools for instruction of deaf persons over 3.

L. 1906 p.219

Provisions of compulsory education law apply to deaf, dumb and blind children. Parents of children between 8 and 18 may be required to send them to Institute for Deaf, Dumb and Blind.

Bates Ann. S. 1787-1906 §4022-10

### Delinquent and dependent children

Juvenile Court and probation officers.

*Idem* §548 ¶37-50

Delinquent children under 17 may remain in custody of probation officer, placed in suitable family home or be committed to girls or boys industrial school for period not to extend beyond minority.

*Idem*

Truants under 10 may be sent to children's home and truants under 16 if incorrigible may be committed to industrial school or juvenile reformatory.

*Idem* §4022-8

Neglected children under 17 may be committed to care of some reputable citizen of good moral character or to institution.

*Idem* §548 ¶37-50

Poor authorities required to aid poor children and if parents refuse such assistance, child may be committed to children's home or juvenile reformatory.

*Idem* §4022-9

### Child labor

**Prohibited employments.** No child under 14 may be employed in a factory, workshop, mercantile or other establishment, or as messenger or driver thereof; no child of such age shall be otherwise employed while the public schools are in session.

L. 1904 p.321

No child under 15 may be employed in a mine while school is in session and no child under 14 may be so employed during the vacation interim.

Bates Ann. S. 1787-1906 §302

No child between 14 and 16 may be employed unless able to read and write the English language.

*Idem* §4022-2

No child under 16 may be employed in occupations dangerous to health or morals.

*Idem* §6986-2

No child under 16 may operate an elevator, dangerous machinery (different kinds specified) or be employed in the manufacture of matches, paints, colors, white lead or composition requiring acids. *Idem*

**Educational requirements.** Child under 14 must have completed common school branches or, if between 14 and 16, must be able to read and write legibly the English language. *Idem* §4022—2; L. 1904 p.321

**Age and schooling certificate.** Employer of children between 14 and 16 in a factory, workshop, mercantile or other establishment etc. required to have on file age and schooling certificate, approved by superintendent of schools, etc. upon satisfactory proof that child has completed studies or, if between 14 and 16, is able to read and write legibly the English language and which shall not be approved until satisfactory evidence of age is furnished by last school census, certificate of birth or baptism, or some such manner. L. 1904 p.321

In doubtful cases inspector may require certificate of medical officer of board of health certifying that child is physically able to do the work. Employer is required to keep on file register, giving name, birthplace, age and place of residence of children under 18 employed by him. *Idem*

Employer required to keep record of minors employed in mines, giving name, age, place of birth, parents' name and residence, with character of employment, and shall demand proof of minor that he has complied with requirements of school laws. Bates Ann. S. 1787-1906 §302

**Hours of labor during day and week.** No minor under 18 may be employed in a factory, workshop, mercantile or other establishment or as messenger or driver thereof more than 10 hours in one day, or 55 hours in one week. Employer is required to post notice to that effect. L. 1904 p.321

**Night work prohibited.** No boy under 16 and no girl under 18 may be employed at any work after 7 in the evening nor before 6 in the morning. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$10 nor more than \$50 and on failure to pay fine and costs, imprisonment in county jail until fine is paid. *Idem*

**What constitutes evidence of violation.** Failure to produce age and schooling certificate, prima facie evidence. *Idem*

**Disposition of fine.** For benefit of school district. Bates Ann. S. §6986—10

**Law enforced by whom.** Inspector of factories and workshops.

*Idem* §6986—3

Mine Inspector.

Bates Ann. S. 1787-1906 §302

## OKLAHOMA

### No compulsory attendance law

#### Common school law

**Age at which children may be admitted to public school.** 6-21.

R. S. 1903 §6134

**Subjects taught in public school.** Orthography, reading, writing, English grammar, geography, arithmetic etc. *Idem* §6199

**Kindergartens.** May be established by directors of school district having population of 2500 or more, for children between 4 and 6. L. 1903 ch.31 p.257

**Deaf, dumb and blind children**

Governor may enter into contract for care and education of deaf, dumb and blind out of funds that may be provided for that purpose.

R. S. 1903 §3960

**Delinquent and dependent children**

Governor may enter into contract with responsible parties for safe-keeping and education of incorrigibles and young criminals 17 years of age and under.

L. 1905 ch.23

Delinquent or dependent boys under 15 and girls under 16 may be delivered to children's aid society which provides suitable homes for such children.

L. 1905 ch.14

**No child labor law**

**Prohibited employments.** Persons causing injury to health or morals of boy under 15 or girl under 16 may be fined not to exceed \$100 and in addition imprisoned 3 months.

L. 1905 ch.14 §7

**Hours of labor during day and week.** No woman or child under 18 may be compelled and no child under 14 permitted to be employed to exceed 10 hours daily in any manufactory, workshop or other place used for mechanical or manufacturing purposes.

R. S. 1903 §2648

**Penalties for violation by employer.** For violating law regulating hours of labor, fine of not less than \$10 nor more than \$100.

*Idem* §2648

**OREGON****Compulsory attendance law**

**Compulsory school age.** 8-14. 14-16 if not employed in some lawful work.

L. 1905 ch.208

**Period of compulsory attendance.** During entire school year. *Idem*

**Exceptions.** Children are exempt who attend private schools, have already acquired branches, are taught at home, are physically or mentally incompetent or live 2 miles from schoolhouse.

L. 1901 p.300

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$25.

L. 1905 ch.208

**Law enforced by whom.** Directors and clerk of school district.

Bellingers C. and S. §3425

**Attendance at government schools**

**Compulsory school age.** 6-18.

L. 1905 ch.202

**Period of compulsory attendance.** Period of 9 months.

*Idem*

**Exemptions.** Children exempt who attend public or private schools, are taught at home in common school branches, physically or mentally incompetent or reside 10 miles from school.

*Idem*

**Amount of fine imposed on parents.** Fine of not less than \$10 nor more than \$25 and not less than \$25 nor more than \$50 subsequent offense.

*Idem*

**Disposition of fine.** Placed to credit of school fund.

*Idem*

**Law enforced by whom.** Sheriffs, policemen, superintendent of schools, etc.

L. 1905 ch.202

**Common school law**

**Age at which children may be admitted to public schools.** 6-21.

: Bellingers and Cotton's Ann. C. and S. 1901 §3389 ¶18

**Subjects taught in public schools.** State Board of Education prescribes course of study for grammar schools. *Idem* §3348

Teachers must qualify in following subjects before they may be granted a county certificate: reading, writing, orthography, arithmetic, English grammar, United States history, civil government etc. Physiology and hygiene with special reference to effect of alcohol and narcotics on human system shall be taught. *Idem* §3360, 3396

**Kindergartens.** May be established by school district, when authorized by qualified electors, for instruction of children over 4. *Idem* §3389 ¶25

**Deaf, dumb and blind children**

Deaf mute children between 8 and 16 are required to attend institution for free instruction of resident deaf mutes unless taught in private school, at home or in similar institution in state, or are physically or mentally incompetent. Attendance is compulsory for 6 months of each year for 5 years or until child is exempt by law. Parents violating law may be fined not less than \$5 nor more than \$25 for first offense and not less than \$25 nor more than \$50 for subsequent offense.

*Idem* §3423; also §3543-63; L. 1901 p.300

Blind persons may be admitted to Institute for Blind for term not to exceed 2 years, which may be extended without expense, in discretion of State Board of Education. *Idem* §3564-65

**Delinquent and dependent children**

Juvenile Court and probation officers in judicial districts containing 1000 or more inhabitants. L. 1905 ch.80

Delinquent children under 16 may be placed under supervision of probation officer, placed in suitable family home or committed to institution for delinquent children. *Idem*

Dependent children under 16 may be committed to care of some reputable citizen of good moral character, or to state or other institution. *Idem*

**Child labor**

**Prohibited employments.** No child under 14 may be employed in a factory, store, workshop or in or about any mine or in a telegraph, telephone or public messenger service. No child under 14 may be employed at any work while school is in session. No child under 16 may be so employed unless in possession of age and schooling certificate. L. 1905 ch.208

The sale of liquor to a minor or permitting a minor to remain in a saloon is prohibited. Bellingers C. and S. §1977

**Exceptions.** Board of Inspectors of Child Labor in their discretion may issue permit to child between 12 and 14 for employment in suitable work during any school vacation extending over a term of two weeks.

L. 1905 ch.208



**Educational requirements.** No child under 16 may be employed in above mentioned employments unless employer keeps on file age and schooling certificate issued by superintendent of schools, etc. certifying that child is able to read at sight and write legibly simple sentences in the English language, has reached the normal development of a child of his age, and is physically able to do the work, has attended school 160 days during school year previous to arriving at 14, or during the year previous to applying for a school record, has received during such period instruction in reading, spelling, writing, English grammar, geography and is familiar with the fundamental operations of arithmetic to and including fractions. *Idem*

**Certificates of age or schooling.** Employer of child under 16 in above mentioned establishments is required to keep on file age and schooling certificate [see "Educational requirements"] issued by superintendent of schools, etc., which shall not be approved unless satisfactory evidence of age is furnished by last school census, duly attested transcript of certificate of birth or baptism or other religious record or register of birth of child with town or city clerk, and unless child presents employment ticket issued by board of child labor inspectors and signed by intended employer. Employer is also required to keep complete list of all such children employed by him. *Idem*

**Hours of labor during day and week.** No child under 16 may be employed more than 10 hours in one day nor more than 6 days in one week. Employer is required to post notice to that effect. *Idem*

**Night work prohibited.** No child under 16 may be employed before 7 a.m. or after 6 p.m. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$10 nor more than \$25, first offense and not less than \$25 nor more than \$50, subsequent offense, and imprisonment not less than 10 nor more than 30 days, third and each succeeding offense.

Persons making false statements in age and schooling certificate may be fined not less than \$5 nor more than \$50. *Idem*

Parents violating law may be fined not less than \$5 nor more than \$25. *Idem*

**What constitutes evidence of violation.** Failure to produce to school authorities or board of inspectors of child labor age and schooling certificate, or list, prima facie evidence. *Idem*

**Law enforced by whom.** Board of inspectors of child labor. Duty of district attorney to prosecute. *Idem*

## PENNSYLVANIA

### Compulsory attendance law

**Compulsory school age.** 8-16.

L. 1905 p.131

**Period of compulsory attendance.** While school is in session. *Idem*

**Exemptions.** Children are exempt who are instructed at home or attend private school, are excused for physical, mental or other urgent reasons or where there is no school within 2 miles. Act does not apply to children between 13 and 16 who are in possession of certificate of superintendent of schools, etc., certifying their ability to read and write the English language and regularly engaged in useful employment or service. *Idem*

**Amount of fine imposed on parent.** Fine not to exceed \$2 for first offense, \$5 for subsequent offense, and in default of payment may be committed to county prison for period not to exceed 2 days, first offense and 5 days subsequent offense.

L. 1901 p.659

**Disposition of fine.** For use of school.

*Idem*

**Law enforced by whom.** Truant officers.

L. 1901 p.658

**Attendance officers: how appointed.** Board of school directors in cities shall and in all other districts may employ truant officers.

*Idem*

**Truant or parental schools.** May be established by boards of directors for habitual truants or incorrigibles, or such children may be sent to reformatory schools.

*Idem*

#### Common school law

**Age at which children may be admitted to public school.** 5-21.

Pepper & Lewis Digest 1894-1901 p.767

**Subjects taught in public schools.** Orthography, reading, writing, English grammar, geography, arithmetic etc. Physiology and hygiene with special reference to effect of alcohol and narcotics on the human system.

*Idem* p.811, 815

**Kindergartens.** May be established by school directors etc. for instruction of children between 3 and 6.

L. 1901 p.93

**Night schools.** May be established by school directors etc. on application of parents of 20 or more pupils over 6 years of age.

Pepper & Lewis Digest 1894-1901 p.786

#### Deaf, dumb and blind children

**Indigent deaf mutes between 10 and 20** may be educated at expense of state for period of 6 years.

Purdons Digest 2:1282

**In school districts of more than 20,000 inhabitants** special school for education of deaf mutes may be maintained.

Purdons Digest 2:1282

**Indigent blind children** may be educated at state expense in Pennsylvania Institution for Blind: term 12 years.

*Idem*; also Pepper & Lewis Digest p.2343

#### Delinquent and dependent children

**Juvenile Court and probation officers.** Dependent children under 16 may be committed to care of citizen of good moral character or institution. Delinquent children may be committed to care of probation officer, industrial school or to reformatory institution. Term of commitment shall not extend beyond 21st birthday. L. 1903 no.205 p.274; Purdons Digest 2:1880

#### Child labor

**Prohibited employments.** No child under 16 may be employed inside any anthracite coal mine. No child under 14 may be employed in any anthracite coal breaker or colliery or around the outside workings of any anthracite coal mine. Employers of minors in mines are required to have on file employment certificate and complete list of such children employed. L. 1905 p.344

No child under 14 may be employed in any establishment and minors between 14 and 16 are required to file with employer, employment certificate.

*Idem* p.352

No minor under 16 may clean machinery in motion or operate an elevator.

*Idem*

Employment of minor under 15 in a saloon or in occupation dangerous to health or morals is prohibited. Pepper & Lewis Digest 1700-1894 p.2299

**Exceptions.** The term "establishment" does not apply to coal mining or domestic or farm labor.

L. 1905 p.352

**Educational qualifications.** See "Certificates of age or schooling."

**Certificates of age or schooling.** It is unlawful to employ a minor in a mine or any child between 14 and 16 years of age in any establishment, unless there is placed on file employment certificate, issued by factory inspector or superintendent of schools, which shall not be issued until affidavit of parent stating age, date and place of birth of child is furnished, and shall further demand and obtain certificate of child's birth, etc. kept by any public authority, or transcript of record of birth, baptism etc. kept by any religious denomination, or in case of a foreign born child if such evidence be lacking, copy of passport or other official record filed at office of commissioner of immigration at port of arrival. Where birth record or passport is not obtainable same may be substituted by statement of principal teacher of school certifying child has received instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic and has completed course of study in common schools prescribed for past 5 years. Such employment certificate shall certify that child can read at sight and write legibly simple sentences in the English language, has complied with the educational laws of the commonwealth and is physically able to perform the work.

L. 1905 p.352; also p.344

Employer required to post list of children under 16 employed in a mine or in any establishment.

*Idem*

**Hours of labor during day or week.** No minor under 16 and no female may be employed in any establishment more than 60 hours in one week, or 12 hours in one day, with not less than 1 hour for noonday meal. Employer required to post notice to that effect.

*Idem* p.352

**Night work prohibited.** No minor under 16 may be employed in any establishment between 9 p.m. and 6 a.m.

*Idem*

**Exceptions.** Males over 14 who have not been employed between 6 a.m. and 9 p.m. may be employed in establishment when necessary to prevent waste or destruction of material in process of manufacture, 9 hours in one day after 9 p.m. Males over 14 may be employed partly by day and partly by night in establishments where night work is permitted, to prevent waste, or when the nature of the employment requires 2 or more working shifts in the 24 hours, but such employment shall not exceed 9 consecutive hours. Retail mercantile establishments are exempt on Saturday and during the period of 20 days beginning with the 5th day of December and ending the 24th day of the same month, but said working hours shall not exceed 10 per day or 60 per week.

*Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$25 nor more than \$500 or imprisonment not less than 10 nor more than 60 days for each and every violation.

*Idem*

For violating law regulating employment of child in mines, fine of \$10 for every day of illegal employment. L. 1905 p.344

**What constitutes evidence of violation.** Failure to produce employment certificate or list to mine inspector prima facie evidence of violation. *Idem*

**Disposition of fine.** One half of fine, imposed for illegal employment of minor in a mine for benefit of school district. *Idem*

**Law enforced by whom.** Deputy Factory Inspector. *Idem* p.352

Duty of chief of Department of Mines, and any citizen may prosecute offenders violating law regulating employment of children in mines.

*Idem* p.344

## PORTO RICO

### Compulsory attendance law

**Compulsory school age.** 8-11. Attendance is compulsory from time pupil enters public school until he has completed prescribed course of study.

School Law 1906

Law provides that in a graded school or rural school, registration shall not exceed 50 pupils and if the minimum attendance in a graded school falls below 35 or in a rural school below 25 on 10 consecutive days, school authorities shall take necessary steps to satisfy the minimum enrolment and attendance requirement. *Idem*

**Amount of fine imposed on parent.** For first offense parents shall be publicly reprimanded by justice of the peace, and for second offense may be fined not more than \$5 and for third offense not more than \$10. *Idem*

**Law enforced by whom.** Alcald of the municipality and upon complaint of the alcald, school board or district superintendent or commissioner of education, justice of the peace shall prosecute. *Idem*

### Common school law

**Age at which children may be admitted to public school.** Commissioner of Education is authorized to establish system of free public schools for education of children between 5 and 18. L. 1903 p.60

**Subjects taught in public school.** Commissioner of Education usually prepares and promulgates course of study for school. L. 1903 p.60, 85

Teachers are required to qualify in following subjects: English language, Spanish language, arithmetic, geography, history of United States and Porto Rico, etc. Teachers of English are required to qualify in following subjects: English language including writing, spelling, reading and grammar, arithmetic, geography, history of United States, physiology and hygiene, etc. L. 1905 p.74-75

**Kindergartens.** May be established by Commissioner of Education.

L. 1903 p.60

**Night schools.** May be established by Commissioner of Education. *Idem*

Commissioner of Education may on application of 20 young persons unable to attend school for justified reasons establish night school. L. 1903 p.83

**Deaf, dumb and blind children****Asylum for indigent blind.**

R. S. 1902 p.58

**No child labor law****Prohibited employments.** Employment of children under 16 in occupations dangerous to health and morals is prohibited. R. S. 1902 p.89**Hours of labor during day and week.** No child under 16 may be compelled to work in agricultural factories and manufacturing establishments over 6 hours per day, 3 in the morning and 3 in the afternoon. *Idem***Penalties for violations by employer or parent.** All persons violating law may be fined in sum of \$5 to \$15 or imprisoned not to exceed 30 days for each offense. *Idem***Law enforced by whom.** Police Courts shall impose penalties. *Idem***RHODE ISLAND****Compulsory attendance law****Compulsory school age.** 7-15. L. 1902 ch.1009**Period of compulsory attendance.** While school is in session. *Idem***Exemptions.** Children are exempt who attend private school or receive private instruction, have finished course of elementary study, are 13 years of age and lawfully employed, physically or mentally incompetent or of the age of 12, and employment is necessary for support of family, or are destitute of clothing. *Idem***Amount of fine imposed on parent.** Fine not exceeding \$20. *Idem***Disposition of fine.** For benefit of school funds. *Idem***Law enforced by whom.** Attendance officers. *Idem***Attendance officers: how appointed.** By school committee of each city or town. *Idem***Common school law****Age at which children may be admitted to public school.** 4-16.

School Law ch.60 §3

**Subjects taught in public school.** Instruction shall be given in physiology and hygiene with special reference to effect of alcohol and narcotics on the human system. G. L. 1896 ch.60**School committee make regulations for instruction of children.** *Idem***Night schools.** Annual appropriation made for support of evening schools in several towns of the state. *Idem* ch.53**Deaf, dumb and blind****Governor on recommendation of State Board of Education upon application of parent,** may send deaf, blind and imbecile children to suitable institution for period not to exceed 10 years at state expense. *Idem* ch.85-86**Attendance of deaf and dumb children between 7 and 18 at Rhode Island Institute for the Deaf** for such time as deemed expedient by the board of trustees is compulsory, unless child is receiving instruction elsewhere. Parents violating law may be fined \$20. G. L. 1896-97 ch.332

**Delinquent and dependent children**

- State Probation Officer. L. 1906 ch.1360; 1899 ch.664  
 Juvenile Court and probation officers. L. 1898-99 ch.664  
 Habitual truants may be committed to Sockanosset School for boys or  
 Oaklawn School for girls for period not exceeding minority. L. 1902 ch.1009  
 State Home for Neglected Children between 4 and 14. Child may remain  
 in such home until 18th birthday. G. L. 1896 ch.87

**Child labor**

**Prohibited employments.** No child under 14 may be employed in any factory, manufacturing or business establishment. No child under 16 may be employed in any such establishment unless he presents age and schooling certificate to employer. L. 1905 ch.1215

No child under 16 may clean machinery in motion. G. L. 1896 ch.68

Employment of child under 16 in occupations dangerous to health or morals is prohibited. G. L. 1897 ch.475

No person under 18 may operate passenger elevator. L. 1902 ch.973

**Exceptions.** Act does not apply to children who are employed in household services or agricultural pursuits. L. 1905 ch.1215

**Certificates of age or schooling.** No child under 16 may be employed in above mentioned establishments unless he shall present to employer certificate of school committee, certifying that he is 14 years of age and stating name, date and place of birth, which shall be substantiated by a duly attested copy of birth certificate, baptismal certificate or passport stating name and place of residence of person having control of such child and that he is physically able to do the work. Employer required to file such certificate. *Idem*

**Hours of labor during day or week.** No minor under 16 and no female may be employed in any manufacturing or mechanical establishment more than 58 hours in one week or 10 hours in one day. Employer must post notice to that effect. L. 1902 ch.994

**Exceptions: work allowed overtime.** Hours of labor shall not exceed 10 in one day except when necessary to make repairs to prevent interruption of ordinary running of machinery or when different apportionment is made for sole purpose of making shorter day's work for one day in week. *Idem*

**Night work prohibited.** No child under 16 may be employed in any factory, manufacturing or business establishment between the hours of 8 p.m. and 6 a.m. L. 1905 ch.1215

**Exception.** Restriction as to above hours shall not apply to mercantile establishments on Saturdays or on either of the 4 days immediately preceding Christmas in each year. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not more than \$500. Persons making false statements in certificates may be fined not more than \$500. L. 1905 ch.1215

**Employer or parent violating law regulating hours of labor may be fined not exceeding \$20 for each offense.** L. 1902 ch.994

**Law enforced by whom.** Factory Inspectors. L. 1905 ch.1215

**SOUTH CAROLINA****Compulsory attendance law**

No compulsory attendance law, except provision of labor law, which provides that child under 12 who has attended school not less than 4 months during current year school and is able to read and write, may be employed in any textile establishment during the months of June, July and August.

S. at Large 1903-5 p.113

**Common school law**

**Age at which children may be admitted to public school.** 6-21.

C. C. 1902 §1229

**Subjects taught in public school.** Orthography, reading, writing, arithmetic, geography, English grammar, elements of agriculture, history of the United States and of the state, principles of the Constitution of United States and the state, algebra, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, English literature, etc.

*Idem* §1201

**Deaf, dumb and blind children**

All deaf and blind of proper age and mental capacity may be admitted to South Carolina Institute for Education of Deaf, Dumb and Blind. Expenses paid by applicant when he is able to do so.

*Idem* §1326-34

**Delinquent and dependent children**

Incorrigible and dependent boys between 8 and 16 may be committed to Industrial School. Term of commitment: until they arrive at age of 21.

L. 1906 p.133

**Child labor**

**Prohibited employments.** No child under 12 may be employed in any factory, mine or textile establishment except that child who has attended school 4 months during current school year and is able to read and write may be employed in textile establishments during the months of June, July and August.

S. at Large 1903-5 p.113

For law relating to cruel treatment of children, see Crim. C. §135.

**Exceptions.** Child of widowed mother or disabled father or orphan may be employed in textile establishments if parent furnish affidavit that labor of child is necessary to support of family. [See also "Prohibited employments"]

S. at Large 1903-5 p.113

**Educational requirements.** Child under 12 may be employed in textile establishments during months of June, July and August if he attended school 4 months during current school year and is able to read and write.

*Idem*

**Certificates of age or schooling.** Employer of child under 12 in factory, mine or textile manufacturing establishment shall require parent to furnish affidavit, giving age of child; also certificate of attendance at school. *Idem*

**Night work prohibited.** No child under 12 may be employed in any factory, mine or textile establishment between 8 p.m. and 6 a.m. *Idem*

**Exceptions: work allowed overtime.** Child under 12 whose employment is permissible may work after the hours of 8 p.m. in order to make up time lost consequent to breaking down of machinery, but no child under 12 may be employed after 9 p.m. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$10 nor more than \$50 or imprisonment for not more than 30 days in discretion of court.

**Parent misrepresenting age of child or consenting to illegal employment of such child** may be fined not less than \$10 nor more than \$50 or imprisoned not more than 30 days, in discretion of court. *Idem*

## SOUTH DAKOTA

### Compulsory attendance law

**Compulsory school age.** 8-14.

P. C. 1903 §2359-64

**Period of compulsory attendance.** 12 weeks, 8 of which shall be consecutive. *Idem*

**Exemptions.** Children are exempt who have already acquired branches of learning, attend private day school or receive equivalent instruction, or are physically or mentally incompetent. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$10 nor more than \$20 and stand committed until fine and costs are paid. *Idem*

**Disposition of fine.** For benefit of school district. *Idem*

**Law enforced by whom.** Board of education in cities and chairman of district board. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21.

P. C. 1903 §2310

**Subjects taught in public school.** Reading, writing, orthography, arithmetic and geography, primary language and English grammar, history of the United States, civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on human system.

*Idem* §2378; L. 1905 ch. 105

### Deaf, dumb and blind children

Blind persons between 10 and 30 are entitled to instruction for term of 8 years at state expense at South Dakota Blind Asylum. P.C. 1903 §573

Deaf and dumb persons over 6 and under 21 may be admitted to State School for deaf mutes at state expense. *Idem* §568

### Delinquent and dependent children

Incorrigible children under 18 may be committed to Reform School until majority. Crim. P. §702-19

Minors under 16 who commit offense punishable by imprisonment in state prison may be committed to county jail. Pen.C. 1903 §800



Juvenile offenders must be kept in apartments separate from other criminals. Crim.P.1903 §770

Dependent child may be committed by Circuit or County Court to care of society which may place child in family home during minority.

P.C.1903 §3205-14

### Child labor

**Prohibited employments.** No child between 8 and 14 may be employed in a mine, factory, workshop or mercantile establishment, or, except by his parents, in any other manner, during the time school is in session unless employer procure certificate of superintendent of schools or clerk of board of education, etc., stating that child has attended school 12 weeks or has been excused from such attendance [See "Exemptions" Compulsory attendance law]. P. C. 1903 §2359-64

Employment of child under 14 in occupations dangerous to health or morals is prohibited. L.1903 ch.88 p.98

No child under 21 may be employed in a saloon. L.1903 ch.165

**Exceptions.** Where child is employed by parent, etc. P.C.1903 §2359-64

**Educational requirements.** Child between 8 and 14 is required to attend school 12 weeks before he may be employed. *Idem*

**Certificates of age or schooling.** Employer of child between 8 and 14 in above mentioned establishments required to procure certificate from superintendent of schools or clerk of board of education stating that he has attended school 12 weeks in the year or has been excused from such attendance. *Idem*

**Hours of labor during day or week.** No woman or child under 18 may be compelled and no child under 14 permitted to be employed in any manufactory, workshop or other place used for mechanical or manufacturing purposes, to exceed 10 hours per day. Pen.C.1903 §764

**Penalties for violation.** For violating labor law, fine not less than \$10 nor more than \$20 with costs. P.C. §2359-64

Persons having control of a child, who shall make false statements as to age or time child attended school may be fined not less than \$10 nor more than \$20. *Idem*

For violating law regulating hours of labor, fine of not less than \$10 nor more than \$100. Pen.C.1903 §764

**Disposition of fine.** Fine imposed on persons who make false statements, for use of school corporation. P.C.1903 §2359-64

**Law enforced by whom.** District school board, chairman board of education or county superintendent. *Idem*

### TENNESSEE

**Compulsory attendance law.** In counties having a population of not less than 12,890 and not more than 12,900 and not more than 21,000 nor less than 20,500, according to federal census. Law applies to Union and Claiborne counties only. L.1905 ch.483

**Compulsory school age.** 8-14. *Idem*

**Period of compulsory attendance.** At least 14 weeks. *Idem*

**Exemptions.** Children are exempt who are physically and mentally incompetent or attend private school. Destitute children may be excused, or County Court may make provision for their support. *Idem*

**Amount of fine imposed on parent.** Fine of \$1 for each week of nonattendance. *Idem*

**Disposition of fine.** For benefit of school fund. *Idem*

**Law enforced by whom.** District directors through district clerk. Directors shall report to county superintendents. *Idem*

#### Common school law

**Age at which children may be admitted to public schools.** 6-21.

Shannon's C.1896 §1450

**Subjects taught in public school.** Orthography, reading, writing, arithmetic, grammar, geography, history of Tennessee, history of United States, Constitution of United States and Tennessee, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, etc. *Idem* §1453-55; also Sup.C. §1454 p.269

#### Deaf, dumb and blind children

In preference to others, each senatorial district may send to institution for deaf and dumb two pupils at state expense, indigent pupils preferred.

Shannon's C.1896 §2660-71

Same provision in case of pupils sent to Institution for Blind.

*Idem* §2643 59

Deaf, dumb or blind children, whose parents are citizens of state may be placed in either school, free of charge. *Idem* §2653

#### Delinquent and dependent children

Juvenile Court and probation officers in counties having population of 70,000. Delinquent children under 16 may be committed to care of reputable citizen or committed to State Industrial School or other institution for term not to extend beyond 21st birthday. L.1905 ch.516

Dependent males between 8 and 18 and females between 8 and 16 may be committed by judge of County Court to Industrial School until 21st birthday. C.1896 §4418-33; also §4343-55

Counties, cities and towns shall establish reformatory institutions to which delinquents under 16 may be committed. *Idem* §4356-417

#### Child labor

**Prohibited employments.** No child under 14 may be employed in a workshop, factory or mine. L.1901 ch.34

In counties having a compulsory education law, no child under 14 may be employed during school sessions unless he has attended prescribed time or is exempt. [See "Exemptions" Compulsory attendance law]

L.1905 ch.483

**Educational requirements.** In counties having a compulsory education law child under 14 must have attended prescribed time before he may be employed. *Idem*

**Certificates of age or schooling.** Unless such employer shall know age of child he must require parent to furnish sworn statement of age.

L.1901 ch.34

**Penalty for violation by employer.** For violating law prohibiting employment of child under 14 in workshops, factories or mines, fine of not less than \$25 nor more than \$250.

L.1901 ch.34

For employing child under 14 during school sessions unless child has attended prescribed time, in counties having compulsory attendance law, fine of \$2.50 for each offense.

L. 1905 ch.483

Parents making false statement of age of child guilty of perjury.

L.1901 ch.34

**Disposition of fine.** In counties having compulsory education law, fine for use of schools.

L.1905 ch.483

**Law enforced by whom.** Grand jury investigates violations of act and judge of Circuit and Criminal Courts shall charge grand jury at beginning of each term of court to investigate violations.

L.1901 ch.34

District director through district clerk, in Union and Claiborne counties.

L.1905 ch.483

## TEXAS

### No compulsory attendance law

Except provision of labor law which requires that children between 12 and 14 shall be able to read and write simple sentences in the English language before they may be employed in a mill, factory or other establishment.

L.1903 p.40

### Common school law

**Age at which children may be admitted to public school.** 7-17.

L.1903 ch.118

Scholastic age may be extended by city or town. L.1905 ch.124 §145

**Subjects taught in public school.** Orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, composition, physiology and hygiene, with special reference to effect of alcohol and narcotics on human system, mental arithmetic, Texas history, history of United States, civil government, etc.

R.S.1895 t.86 ch.8 art.3909a; L.1905 ch.124 §100

### Deaf, dumb and blind children

For provisions relating to deaf, dumb and blind asylums, *see* R.S.1895 t.9 ch.2 art.143-65

### Delinquent and dependent children

Dependent children under 14 may be committed to orphan asylums.

R.S.1895 art.166-71a

**Child labor**

**Prohibited employments.** No child under 12 may be employed in a mill, factory, manufacturing or other establishment using machinery. No child between 12 and 14 may be employed in such establishments unless able to read and write simple sentences in the English language. No child under 16 may be employed in a mine, distillery or brewery. L.1903 ch.28

No minor under 21 may enter or remain in any pool or billiard hall, bowling alley or saloon. L.1905 ch.75

**Exceptions.** Children between 12 and 14 who have widowed mothers or parents incapacitated to support them may be employed in mill, factory, manufacturing or other establishment etc. L.1903 ch.28

**Educational requirements.** No child between 12 and 14 may be employed in a mill, factory, manufacturing or other establishment using machinery unless able to read and write simple sentences in the English language.

*Idem*

**Hours of labor during day or week.** Children between 12 and 14 who have widowed mothers or parents incapacitated to support them may be employed between the hours of 6 a. m. and 6 p. m. *Idem*

**Night labor prohibited.** In no event shall any child between 12 and 14 be permitted to work outside the hours of 6 a. m. and 6 p. m. *Idem*

**Penalties for violation by employer.** For violating law relating to employment of child in a mill, factory, manufacturing or other establishment using machinery, fine of not less than \$50 nor more than \$200 and each day of violation constitutes a separate offense. *Idem*

For violating law relating to employment of minors in a mine, distillery or brewery, fine of not less than \$50 nor more than \$200. *Idem*

**UTAH****Compulsory attendance law**

**Compulsory school age.** 8-16. L.1905 ch.95

**Period of compulsory attendance:** 20 weeks of which 10 shall be consecutive. *Idem*

In cities of the first and second class, 30 weeks, 10 consecutive. *Idem*

**Exemptions.** Children are exempt who attend private school, are taught at home, have already acquired branches of learning, are indigent or physically or mentally incompetent, or where there is no school within 2½ miles. *Idem*

**Amount of fine imposed on parent.** Offense a misdemeanor. *Idem*

**Law enforced by whom.** Truant officer in cities. R.S.1898 §1961

President board of education and chairman of school trustees of district. *Idem* §1964

Truant officer in each county school district of the first class.

L.1905 ch.107

**Attendance officers: how appointed.** Board of education of each county school district of the first class may appoint truant officer. L.1905 ch.107

Board of education of city of first or second class may also appoint such officers. R.S.1898 §1953-61

In other districts president, board of education and chairman of school trustees of district shall inquire into cases of violation and report to county attorney who shall prosecute. *Idem* §1964

**Truant or parental schools.** May be established by board of education of city of the first or second class for truants between 8 and 14; term of commitment shall not extend beyond 14th birthday. *Idem* §1953-61

Board of education of one or more county school districts of the first class may establish such schools. In each county of the state, where a school district therein outside the limits of cities of the first and second class shall comprise a school population of more than 3000 children over 6 and under 18, such district shall be known as a county school district of the first class.

L.1905 ch.107

### Common school law

**Age at which children may be admitted to public school.** 6-18

R.L.1898 §1851

**Subjects taught in public school.** Teachers must qualify in following subjects: reading, spelling, writing, English grammar, geography, United States history, arithmetic, physiology and hygiene, with special reference to effect of alcohol and narcotics on the human system, nature studies, drawing etc. *Idem* §1796, 1829

**Kindergartens.** May be established in school districts having population of 2000 and upwards for instruction of children between 4 and 6.

L.1903 ch.114

School board may establish kindergartens for children between 4 and 6.

R.S.1898 §1966

### Deaf, dumb and blind children

Resident deaf, mute and blind under 30 entitled to instruction at Utah State School for education of deaf, mute and blind without expense. Parents having control of deaf, dumb and blind children between 8 and 18 are required to send them to said school for at least 6 months in each school year unless taught at home, have already acquired branches or are physically or mentally incompetent. Parents violating law are guilty of a misdemeanor. It is the duty of county attorney to prosecute offenders.

R.S.1898 §2104-19

### Delinquent and dependent children

Juvenile Court and probation officers in cities of the first and second class.

Probation officers may be appointed in every county of the state for the care of children under 18. Delinquent children may be placed in suitable family home, placed under supervision of probation officers or committed to State Industrial School, but term of commitment shall not extend beyond 21st birthday. L.1905 ch.117

Neglected children under 16 may be committed to parental school.

R.S.1898 §1953-61; L.1905 ch.107

**No child labor law**

**Prohibited employments.** No child under 14 and no female may be employed in any mine or smelter. R.S.1898 §1338; *see also* Const. art.16§3

**Hours of labor during day or week.** Hours of labor in a mine shall not exceed 8. *Idem* §1337

**Penalty for violation by employer.** Employer violating law regulating employment of child in mine, guilty of misdemeanor. *Idem* §1338

**VERMONT****Compulsory attendance law**

**Compulsory school age.** 8-15. L.1904 p.63

**Period of compulsory attendance.** 28 weeks or during school term. *Idem*.

**Exemptions.** Children are exempt who are physically or mentally incompetent or excused by school directors. *Idem*

**Amount of fine imposed on parent.** Not less than \$5 nor more than \$25. L.1904 p.63

**Disposition of fine.** Paid into treasury of town. *Idem*

**Law enforced by whom.** Truant officers or policemen. L.1904 p.63; S.1894 §710

**Attendance officers: how appointed.** By school board in town or city. *Idem*

**Where officer is not appointed, policemen act.** *Idem*

**Each town, city or incorporated village may make bylaws concerning truants and incorrigibles under 16.** L.1900 p.20

**Common school law**

**Age at which children may be admitted to public school.** 5-18. L.1900 p.20

**Subjects taught in public school.** Reading, writing, spelling, English grammar, geography, arithmetic, free-hand drawing, history and Constitution of the United States, physiology and hygiene with special reference to effect of alcohol and narcotics on human system and special instruction in geography, history, Constitution and principles of government of Vermont. S.1894 §683-822

**Kindergartens.** May be established for children under 5. L.1900 p.20

**Night schools.** May be established by district. Evening school session equivalent to half day session of public school. L.1898 p.23

**Deaf, dumb and blind children**

Board of civil authority of towns returns number of deaf, dumb and blind between 5 and 14 to county clerk and he reports to Governor who designates beneficiaries to be sent to institutions for deaf, dumb and blind. Indigent children with consent of parent may be committed for such time as the Governor deems proper. S.1894 §854-64; L.1906 no.55

**Delinquent and dependent children**

Habitual truants and incorrigibles between 8 and 15 may be sent to Vermont Industrial School for not less than 28 weeks. L.1898 p.22; 1906 no.52  
Incorrigibles under 18 may be committed to Vermont Industrial School.

L.1904 p.210

Overseer of poor is required to furnish poor children with clothing.

L.1904 p.65

Indigent minors under or over 14 may be bound out until they become of age.

R.S.1906 §3117-26

**Child labor**

**Prohibited employments.** No child under 12 may be employed by a railroad company or in a mill, factory, quarry or workshop or in carrying or delivering messages for any corporation or company. No child under 16 may be so employed except during vacation and before and after school, unless he has completed elementary course of study of nine years or is excused by town superintendent of schools.

L.1906 no.52; *see also* L.1904 p.211

No female or person under 21 may be employed in a saloon.

R.S.1906 §5019

For provisions prohibiting cruel treatment of children *see Idem* §5581-85

**Educational requirements.** No child under 16 may be employed in above mentioned industries unless he has completed elementary course of study of 9 years.

L.1906 no.52

**Certificate of age or schooling.** No child under 16 shall be employed in work connected with railroading, mining, manufacturing or quarrying or in delivering messages for any company or corporation unless he files with employer certificate of attendance, signed by teacher or if he attended private or parochial school, certificate of superintendent of schools to effect that he has attended school required period.

*Idem*

**Night work prohibited.** No child under 16 may be employed in above mentioned occupations after 8 p. m.

*Idem*

**Penalties for violation by employer.** Fine of not less than \$5 nor more than \$25.

*Idem*

**Disposition of fine.** Paid to town.

*Idem*

**Law enforced by whom.** Town superintendent or truant officer.

*Idem*

**VIRGINIA****No compulsory attendance law**

Constitution of Virginia provides that the General Assembly may provide for the compulsory education of children between 8 and 12 years of age, except such as can read and write, are physically or mentally incompetent, attend private school or are excused for cause by district school trustees.

Const. §138

**Common school law**

**Age at which children may be admitted to public school.** 7-20.

Const. §135

**Subjects taught in public school.** Orthography, writing, reading, arithmetic, grammar, geography, physiology and hygiene, with special reference to effect of alcohol and narcotics on human system, civil government, drawing, history of the United States and history of Virginia, etc. L.1906 p.443

**Deaf, dumb and blind children**

Virginia school for education of deaf, dumb and blind. Indigent pupils selected by the board of visitors are admitted free of charge. C.1904 §1652-59

Deaf, dumb and blind negro children may be admitted to Virginia State School at state expense. L.1906 p.248

**Delinquent and dependent children**

Delinquent and dependent children may on application of any reputable citizen be committed by any court of record or police justice, to institution or placed in suitable homes until 18 years of age if a female, or 21 if a male. Such children may be committed to reformatory institution when necessary.

L.1906 p.52

**Child labor**

No child under 12 may be employed in a manufacturing, mechanical or mining operation. C.1904 §3657b-d

Employment of child under 14 in occupation dangerous to health or morals is prohibited. *Idem* §3795a

**Hours of labor during day or week.** No female and no child under 14 may be employed as an operative in any factory or manufacturing establishment more than 10 hours in one day of 24 hours. *Idem* §3657b-d

**Night work prohibited.** No child under 14 and over 12 may be employed in any manufacturing, mechanical or mining operation between the hours of 6 p.m. and 7 a.m. *Idem*

**Penalties for violation by employer.** For violating labor law, employer and parent may be fined not less than \$25 nor more than \$100. For violating law regulating hours of labor, fine of not less than \$5 nor more than \$20. *Idem*

**Law enforced by whom.** Commissioner of Labor. *Idem* ch.81a §1790c

**WASHINGTON****Compulsory attendance law**

**Compulsory school age.** 8-15.

L. 1905 ch.162

**Period of compulsory attendance.** During school sessions.

*Idem*

**Exemptions.** Children are exempt who have already acquired branches, or otherwise furnished with same education, physically or mentally incompetent or excused for some other sufficient reason by the superintendent of schools. *Idem*



**Amount of fine imposed on parent.** Not more than \$25.

*Idem*

**Disposition of fine.** To be paid to support of schools.

*Idem*

**Law enforced by whom.** Attendance officers. Police may act. County attorney acts as attorney in court proceedings.

*Idem*

**Attendance officers: how appointed.** By board of directors in city and village districts. In other districts county superintendent shall act as truant officer.

*Idem*

**Truant or parental schools.** May be established in cities having population of 50,000 for habitual truants who may be committed until they arrive at 14th birthday unless sooner discharged.

L. 1903 ch.78

#### Attendance at government schools

Children between 5 and 18 required to attend 9 months unless physically or mentally incompetent, taught at private school or at home, or compelled to support parents or live 10 miles from school. Parents violating law may be fined \$5 to \$25 first offense; \$10 and not more than \$50 second offense. Fines for benefit of school fund. Superintendent of schools enforces law.

Ballingers C. and S. Sup. §2469

#### Common school law

**Age at which children may be admitted to public school.** 6-21.

L. 1897 p.384

**Subjects taught in public schools.** Reading, penmanship, orthography, written arithmetic, mental arithmetic, geography, English grammar, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, history of United States, etc.

L. 1897 p.384

**Kindergartens.** May be established by board of directors.

*Idem* p.426

**Night schools.** May be established by board of directors.

*Idem*

#### Deaf, dumb and blind children

Parents are required to send defective children to school for education of blind and deaf, unless otherwise properly educated. Parents failing to comply may be fined \$50 and not more than \$200 in discretion of court.

Ballingers C. §2562-90

It shall be the duty of the county superintendent to compel parents of defective youth between 6 and 21 to send them to school for such youth unless otherwise properly educated.

L. 1897 p.447

#### Delinquent and dependent children

Juvenile Court and probation officers in counties of first and second class. Delinquent child under 17 may be committed to suitable institution or industrial school, etc.

L. 1905 ch.18

Boys between 8 and 16 and girls between 8 and 18 who are incorrigible, young criminals, etc. may be sent to State Reform School until boy is 18 and girl 19 years of age.

*Idem* ch.19

**Child labor**

**Prohibited employments.** No child under 15 may be employed in any manufacturing, mechanical or other mercantile establishment or by any telegraph, telephone company or other corporation while school is in session unless child shall present certificate from school superintendent excusing him from such attendance [see "Exemptions" Compulsory attendance law].

L. 1905 ch.162

No boy under 14 and no female of any age may be employed in a mine and no boy under 12 may be employed on the outside workings of a colliery.

Ballingers C. §3172

No female may be employed in a saloon, theater, etc. where intoxicating liquors are sold.

L. 1895 §1 p.177

No female under 18 may be employed as a public messenger. L. 1903 ch.136

**Exceptions.** Child under 15 is exempt if he possess certificate of school superintendent, which must be filed with employer.

L. 1905 ch.162

**Educational requirements.** Child under 15 before he may be employed in any manufacturing, mechanical or other mercantile establishment or by any telegraph, telephone or other corporation must present and employer keep on file certificate of school superintendent, excusing child from attendance, etc., and giving residence, age of child, and time for which excuse is given.

L. 1905 ch.162

**Certificates of age or schooling.** See above.

Employer who is in doubt as to age of boy applying for employment in a mine shall demand proof of age by certificate from parents. Ballingers C. §3172

**Hours of labor during day or week.** No female may be employed more than 10 hours in a mechanical or mercantile establishment, laundry, hotel or restaurant.

Ballingers C. Sup. 1903 §3322c

**Night work prohibited.** No child under 16 may be employed in a bake shop between 8 p.m. and 5 a.m.

L. 1903 p.260

**Penalties for violation by employer.** Employers and parents violating law prohibiting employment of child under 15 during period school is in session may be fined not more than \$25.

L. 1905 ch.162

**Law enforced by whom.** Attendance officers shall make complaint to justice of peace or judge of Superior Court. Commissioner of Labor.

L. 1901 p.132 §2

**WEST VIRGINIA****Compulsory attendance law**

**Compulsory school age.** 8-14.

L. 1903 ch.26 C.1906 §1573

**Period of compulsory attendance.** 20 weeks yearly.

*Idem*

**Exemptions.** Children are exempt who are otherwise instructed for like period of time, or for other reasonable excuse, or where there is no school within 2 miles.

*Idem*

**Amount of fine imposed on parent.** Fine of \$2 first offense and \$5 subsequent offense.

*Idem*

**Disposition of fine.** Paid into building fund of district.

*Idem*

**Law enforced by whom.** Truant officer.

**Attendance officers: how appointed.** By board of education of every district or independent district.

*Idem*

**Compulsory attendance law in Wheeling**

**Compulsory school age.** 7-14.

L. 1905 ch.32

**Period of compulsory attendance.** During school sessions.

*Idem*

**Exemptions.** Children are exempt who have graduated from subdistrict school or attended for like period private or other school, have been otherwise instructed for like period of time in common school branches, have already acquired such branches, are physically or mentally incompetent, or for sickness or other reasonable excuse.

*Idem*

**Amount of fine imposed on parent.** Fine of \$2 first offense and \$5 subsequent offense with costs, and in discretion of court may be required to enter into bond in penal sum of \$50. Failure to give bond a misdemeanor, punishable by fine of \$1 and not more than \$5, with costs.

*Idem*

**Disposition of fine.** Paid to city collector who shall place same to credit of school fund.

*Idem*

**Law enforced by whom.** Attendance officer, who may enter factories.

*Idem*

**Attendance officers: how appointed.** By board of education.

*Idem*

**Common school law**

**Age at which children may be admitted to public school.** 6-21.

C. 1906 §1572

**Subjects taught in public school.** Orthography, reading, penmanship, arithmetic, English grammar, general United States and state history, and general and state geography, single entry bookkeeping, civil government, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, etc.

*Idem* §1580-81

**Kindergartens.** May be established by board of education in city, towns or villages having population of 1000 or more, for instruction of children between 4 and 6.

*Idem* §1599

May be established in Clarksburg school district.

L. 1899 ch.38

**Deaf, dumb and blind children**

Resident deaf, dumb and blind between 8 and 25 shall be admitted to West Virginia School for Deaf, Dumb and Blind without expense, for term of 5 years.

C. 1906 §1774-54

**Delinquent and dependent children**

Incorrigible boys under 18 may be committed to State Reform School until 21st birthday.

*Idem* §1778

Incorrigible girls between 7 and 18 may be committed to Industrial Home for Girls until 21st birthday.

*Idem* §1796

Such children may be apprenticed.

*Idem*

Dependent children under 16 committed to care of Humane Society or trustees of orphan or children's home by judge of Circuit Court may be placed in family home or orphan asylum until 21 if a boy or 18 if a girl.

C. 1906 §2619-35, 482-93

**Child labor**

**Prohibited employments.** No child under 12 may be employed in any mine, factory, workshop, mercantile or manufacturing establishment where goods or wares are made or sold and no minor under 14 may be employed during school term of district in which child resides. L. 1905 ch.75

No child under 15 may be employed in a saloon or in occupations dangerous to health or morals. C. 1906 §4219, 4221

**Exceptions.** 1905 law does not apply to minors under 14 when employment does not interfere with regular attendance at school. L. 1905 ch.75

**Educational requirements.** Child under 14 must attend school required time. *Idem*

**Penalties for violation by employer.** For violating law prohibiting employment of child under 12 or 14 during time school is in session, fine of not less than \$10 nor more than \$20. *Idem*

**Disposition of fine.** For benefit of school funds. *Idem*

**Law enforced by whom.** Commissioner of Labor reports to prosecuting attorney. *Idem*

Attendance officer in Wheeling district may visit factories. L. 1905 ch.32

**WISCONSIN****Compulsory attendance law**

**Compulsory school age.** 7-14. 14-16 if not regularly and lawfully engaged in useful employment or service at home or elsewhere. L. 1903 ch.189

**Period of compulsory attendance.** While school is in session. 8 calendar months in cities and 5 in towns, villages and districts. *Idem*

**Exemptions.** Children are exempt who attend private or parochial school, receive private instruction, are physically or mentally incompetent, or live 2 miles from school. *Idem*

**Amount of fine imposed on parent.** Fine of not less than \$5 nor more than \$50, or imprisonment in county jail not to exceed 3 months. *Idem*

**Law enforced by whom.** Truant or school officers. *Idem*

**Attendance officers: how appointed.** Board of education in cities shall and in towns, villages and districts may appoint such officers. In case no officer is appointed, city superintendent or chairman board of education or district board in all other cities, towns, villages and districts shall perform such duties. Factory Inspector has powers of truant officer. *Idem*

**Truant or parental schools.** In cities of the first class, board of education may establish ungraded schools for habitual truants, insubordinates or disorderly children between 7 and 16 or they may establish parental boarding school. Term of commitment shall not exceed 2 years nor extend beyond 16th birthday. Such school is not considered a place for grossly neglected children. L. 1903 ch.447

**Compulsory attendance law on reservations**

Attendance of children between 5 and 18 on reservations is compulsory for at least 9 months. Children are exempt who are taught at home or in private school, compelled to support parents, physically or mentally in-

competent or reside 10 miles from school. Parents violating law may be fined not less than \$5 nor more than \$25, or imprisoned not less than 5 nor more than 30 days, or both, second offense. Duty of district attorney to prosecute offenders on complaint of superintendent or principal of school. Also the duty of peace officers, etc. to assist superintendent in carrying out provisions of law.

L. 1905 ch.330

#### Common school law

**Age at which children may be admitted to public school.** 4-20.

Const. art.10 §3

**Subjects taught in public schools.** Orthography, orthoepy, reading, writing, grammar, geography, arithmetic, elements of agriculture, history of United States, Constitution of United States and this state, physiology and hygiene with special reference to effect of alcohol and narcotics on the human system, etc.

Sanborn & Bernman Ann. 1898 ch.27; L. 1906 ch.27 p.143; 1905 ch.158

**Kindergartens.** May be established by district boards, town boards of school directors and boards of education.

L. 1905 ch.158

#### Deaf, dumb and blind children

All blind residents of state are entitled to benefit of Janesville School for Blind without expense. Parents may be required by county or city judge to send blind children to such institution.

W. S. 1898 ch.30

Deaf and dumb between 10 and 25 may be educated at school for deaf and dumb at state expense.

*Idem* ch.31

County or city judge may compel attendance of such children.

On application of board of education of any village or city, State Superintendent may with consent of board of control grant permission to establish one or more schools for instruction of resident deaf mutes.

L. 1903 ch.86

#### Delinquent and dependent children

Juvenile Courts and probation officers in cities of the first, second and third class. Delinquent children under 16 may be committed to care and guardianship of probation officer, placed in suitable family home or committed to industrial school for boys or girls. Neglected children under 16 may be committed to suitable institutions.

L. 1905 ch.496; 1903 ch.97, 359; 1901 ch.90

Counties having 50,000 inhabitants may establish industrial or reformatory schools for incorrigibles or young criminals under 18.

L. 1901 ch.210

Dependent children between 3 and 14 may be committed to state public school until 16th birthday or until a home is provided for them.

Sanborne & Sanborne's Ann. 1906 ch.30a p.186

#### Child labor

**Prohibited employments.** No child under 14 may be employed at any time in any factory, workshop, bowling alley, barroom, beer garden or in or about any mine. No child under 14 may be employed in any gainful occupation

except that during the vacation of the public school, a child between 12 and 14 may be employed in any store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service, but not elsewhere, provided he first obtain written permit from Commissioner of Labor, State Factory Inspector, judge of County, Municipal or Juvenile Court where child resides, authorizing employment within such times as such Commissioner of Labor, etc. may fix.

No child between 14 and 16 may be employed in any factory, workshop, bowling alley, barroom, beer garden or in or about any mine, store, office, hotel, mercantile establishment, laundry, telegraph, telephone, public messenger service or work anywhere unless he obtain written permit from Commissioner of Labor, etc. L. 1903 ch.349

No child under 14 may be employed in occupations dangerous to health or morals. A. S. 1898 §4587a; *see also* L. 1899 ch.330 §3

No child under 16 may operate an elevator. L. 1903 ch.349

No female under 18 may be employed as messenger. L. 1903 ch.402

**Exceptions.** Child between 12 and 14 may be employed during vacation of the public school, and child between 14 and 16 at any time, in any store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service, provided he obtains written permit of Commissioner of Labor, etc. of which commissioner, etc. is required to keep record. L. 1903 ch.349

**Certificates of age or schooling.** Employer of children under 16 in above mentioned establishments is required to keep on file register giving name, age, date of birth and place of residence and also permit granted by Commissioner of Labor, etc. In case of doubt as to age, Commissioner of Labor, etc. shall demand proof by the production of verified baptismal certificate or duly attested birth certificate or in case not obtainable by the record of age stated in the first school enrolment or such other proof as is satisfactory to such commissioner, etc. and no permit shall be issued unless proof of such child's age is filed with said Commissioner of Labor, etc. *Idem*

Such Commissioner of Labor, Factory or Assistant Factory Inspector may demand certificate of fitness from physician in case of children who seem physically unable to perform work, and no child shall be employed who can not obtain such certificate. *Idem*

**Hours of labor during day and week.** No minor under 16 may be employed at any gainful occupation longer than 10 hours in one day nor more than 6 days in one week. L. 1903 ch.349

No person under 18 may be employed in a cigar factory more than 8 hours in one day or 48 hours in one week. L. 1899 ch.79

**Night work prohibited.** No minor under 16 may be employed after 9 p.m. nor before 6 a.m. L. 1903 ch.349

**Exceptions.** Act prohibiting night work does not apply to boys carrying newspapers between 4 and 6 in the morning. *Idem*

**Penalties for violation by employer.** For violating labor law, fine of not less than \$10 nor more than \$100. Parents may be fined not less than \$5 nor more than \$25. In case permit is obtained by false statement as to age of child, it may be revoked by the Commissioner of Labor, etc.

L. 1903 ch.349 §189

For employing female under 18 as messenger, fine of not less than \$25 nor more than \$200 or imprisonment for not more than 6 months. L. 1903 ch.402

**Law enforced by whom.** Commissioner of Labor, Factory or Assistant Factory Inspectors. L. 1903 ch.349

Truant officers may visit factories, workshops, mercantile or other establishments. L. 1905 ch.246

## WYOMING

### Compulsory attendance law

**Compulsory school age.** 7-16. R. S. 1899 §555

**Period of compulsory attendance.** Children between 6 and 21 are required to attend at least 3 months. *Idem* §554

**Exemptions.** Children are exempt who are physically or mentally incompetent or, where it would work hardship, district board may excuse child. *Idem*

**Amount of fine imposed on parent.** Parents of children between 7 and 16 who violate the law may be fined not to exceed \$25 for each offense. *Idem* §555

**Law enforced by whom.** It is the duty of sheriffs, police etc. to act as truant officers and county superintendent of schools, on written notice of school board, prosecutes offenders. *Idem*

### Common school law

**Age at which children may be admitted to public school.** 6-21. *Idem* §554

**Subjects taught in public schools.** Teachers must qualify in following subjects: orthography, orthoepy, reading, penmanship, arithmetic, language lessons, English grammar, geography, civil government, history and Constitution of the United States, Constitution of the state, physiology and hygiene with special reference to effect of alcohol and narcotics upon the human system. *Idem* §612, 627

**Kindergartens.** May be established for instruction of children between 4 and 6, by board of district. *Idem* §593-95

### Deaf, dumb and blind children

Resident deaf, dumb and blind persons of suitable age and capacity are entitled to receive education in institute at state expense. Deaf and dumb children of age of 6 and over may be admitted. *Idem* §677-89

### Delinquent and dependent children

Delinquent children between 10 and 16 may be committed by district court of any county to industrial or reform school. *Idem* §4930-34

Dependent children may be placed in proper institution.

*Idem* §2300, 4935-40; L. 1903 ch.106

**No child labor law**

**Prohibited employments.** No boy under 14 and no female may be employed in coal, iron or other dangerous mines. Const. art.9 §3

No minor under 14 or female of any age may be employed in or about any coal, iron or other dangerous mine or underground works.

R. S. 1899. §2295

Employment of child under 14 in occupation dangerous to health and morals is prohibited. *Idem* §2289

No minor is permitted to enter or remain in saloon. *Idem* §5068

**Exceptions.** Act does not apply where boy or girl of suitable age is employed in office or performs clerical work in such mine. *Idem* §2295

**Hours of labor during day and week.** 8 hours constitutes day's work in all mines. Const. art.19

**Penalties for violations by employer.** For violating law prohibiting employment of child under 14 or female in a mine, fine of not less than \$25 nor more than \$100 to which may be added imprisonment in county jail not more than 6 months. R. S. 1899 §2295



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